

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FORTY-FOURTH DAY — WEDNESDAY, APRIL 6, 2005

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 206).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

The invocation was offered by Father Richard Hall, Our Lady of Guadalupe Catholic Church, Austin, as follows:

God Almighty, we call upon your presence here in this opening session of the Texas House of Representatives. You know the longings of our hearts, and you protect our rights. In your goodness, watch over those in authority so that people everywhere may enjoy freedom, security, and peace not only in our nation but in this great State of Texas.

Look upon this legislative body and fill them with the spirit of your wisdom. May they always act in accordance with your will and their decisions be for the peace and well-being of all the people. We ask this in your name. Amen.

The speaker recognized Representative Rodriguez who led the house in the pledges of allegiance to the United States and Texas flags.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Baxter who presented Dr. John Frederick of Austin as the "Doctor for the Day."

The house welcomed Dr. Frederick and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 25).

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Taylor who introduced Seniors of the Friendswood High School girls basketball team: Jenna Cline, Alex Davenport, Kacey Grisham, Holli Jo Wood, Molly Black, Shaina Berry, and team manager Neal McClaugherty.

### **HR 819 - ADOPTED**

**(by Taylor, et al.)**

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 819**.

The motion prevailed.

The following resolution was laid before the house:

**HR 819**, Honoring the Friendswood High School girls basketball team and its source of inspiration, Neal McClaugherty, on another successful season.

**HR 819** was read and was adopted.

On motion of Representative Herrero, the names of all the members of the house were added to **HR 819** as signers thereof.

### **GENERAL STATE CALENDAR**

#### **HOUSE BILLS**

#### **THIRD READING**

The following bills were laid before the house and read third time:

#### **HB 25 ON THIRD READING**

**(by Delisi, Escobar, Anderson, et al.)**

**HB 25**, A bill to be entitled An Act relating to transition assistance within the public school system for school-age dependents of military personnel and other students.

A record vote was requested.

**HB 25** was passed by (Record 207): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Chavez; Corte; Farabee; Gattis; Gonzalez Toureilles; Grusendorf; Hamilton; Hegar; Jones, D.; King, P.; Mowery; Thompson; Van Arsdale.

### STATEMENTS OF VOTE

When Record No. 207 was taken, I was temporarily out of the house chamber. I would have voted yes.

Chavez

When Record No. 207 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

### HB 157 ON THIRD READING

(by B. Cook, Peña, Paxton, Branch, et al.)

**HB 157**, A bill to be entitled An Act relating to the conditions of community supervision for certain persons convicted of an intoxication offense.

**HB 157** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 207 ON THIRD READING

(by Goodman and Guillen)

**HB 207**, A bill to be entitled An Act relating to the reduction of registration, license, and renewal fees required to be paid by certain land surveyors.

**HB 207** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 417 ON THIRD READING**

**(by Delisi, et al.)**

**HB 417**, A bill to be entitled An Act relating to a supplemental health coverage program under the Texas Employees Group Benefits Act for certain persons.

A record vote was requested.

**HB 417** was passed by (Record 208): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Noriega, M.

Present, not voting — Mr. Speaker(C).

Absent — Cook, R.; Gattis; Martinez Fischer; Paxton; Swinford.

### **STATEMENT OF VOTE**

When Record No. 208 was taken, my vote failed to register. I would have voted yes.

Paxton

### **HB 484 ON THIRD READING**

**(by West)**

**HB 484**, A bill to be entitled An Act relating to the filing of electric logs with the Railroad Commission of Texas.

**HB 484** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 551 ON THIRD READING**  
(by Phillips)

**HB 551**, A bill to be entitled An Act relating to a project of a development corporation in connection with a primary job.

**HB 551** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was reconsidered later today, and **HB 551** was passed by Record No. 210.)

**HB 773 ON THIRD READING**  
(by West)

**HB 773**, A bill to be entitled An Act relating to certain purchases by the Railroad Commission of Texas.

**HB 773** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 872 ON THIRD READING**  
(by West)

**HB 872**, A bill to be entitled An Act relating to the imposition of the pipeline safety annual inspection fee by the Railroad Commission of Texas.

**HB 872** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 918 ON THIRD READING**  
(by Krusee)

**HB 918**, A bill to be entitled An Act relating to the authority of a municipality to establish economic development programs in certain areas.

A record vote was requested.

**HB 918** was passed by (Record 209): 134 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge;

Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Keel.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen; Casteel; Crabb; Denny; Dutton; Eissler; Grusendorf; Hunter; Jackson; Reyna; Riddle; Seaman; Thompson; Uresti.

### STATEMENTS OF VOTE

When Record No. 209 was taken, my vote failed to register. I would have voted yes.

Casteel

When Record No. 209 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eissler

### HB 1025 ON THIRD READING (by Solomons)

**HB 1025**, A bill to be entitled An Act relating to the powers and duties of the Texas Optometry Board and to contact lens prescriptions and the dispensing of contact lenses.

**HB 1025** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 1076 ON THIRD READING (by Crabb, Guillen, Anderson, Eissler, et al.)

**HB 1076**, A bill to be entitled An Act relating to reduced hunting and fishing license fees for certain military personnel.

**HB 1076** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 551 - VOTE RECONSIDERED

Representative Phillips moved to reconsider the vote by which **HB 551** was passed.

The motion to reconsider prevailed.

**HB 551 ON THIRD READING****(by Phillips)**

**HB 551**, A bill to be entitled An Act relating to a project of a development corporation in connection with a primary job.

A record vote was requested.

**HB 551** was passed by (Record 210): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Bonnen; Coleman; Delisi; Dutton; Howard; Nixon; Reyna; Rodriguez; Thompson; Uresti.

**STATEMENTS OF VOTE**

When Record No. 210 was taken, my vote failed to register. I would have voted yes.

Anderson

When Record No. 210 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

When Record No. 210 was taken, my vote failed to register. I would have voted yes.

Dutton

**HB 1162 ON THIRD READING****(by Farabee)**

**HB 1162**, A bill to be entitled An Act relating to the training, examination, and seminar attendance requirements for applicants for or holders of licenses or registrations to perform certain activities pertaining to compressed natural gas or liquefied natural gas.

**HB 1162** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1170 ON THIRD READING****(by Miller, Delisi, Hupp, Pickett, Hunter, et al.)**

**HB 1170**, A bill to be entitled An Act relating to readmission to a public institution of higher education of students who withdraw to perform active military service.

A record vote was requested.

**HB 1170** was passed by (Record 211): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen; Castro; Corte; Delisi; Driver; Krusee; Uresti.

**STATEMENTS OF VOTE**

When Record No. 211 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro



When Record No. 211 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

**HB 1328 ON THIRD READING**  
**(by Naishtat, Madden, and Seaman)**

**HB 1328**, A bill to be entitled An Act relating to certificates of mold remediation.

A record vote was requested.

**HB 1328** was passed by (Record 212): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Davis, Y.; Luna; Mowery.

**HB 1367 ON THIRD READING**  
**(by R. Allen, Keel, and Talton)**

**HB 1367**, A bill to be entitled An Act relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

**HB 1367** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1489 ON THIRD READING**  
**(by Turner)**

**HB 1489**, A bill to be entitled An Act relating to the certification of the amount of excess money in the compensation to victims of crime fund.

**HB 1489** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1596 ON THIRD READING**  
**(by Paxton)**

**HB 1596**, A bill to be entitled An Act relating to the regulation of motor-assisted scooters.

A record vote was requested.

**HB 1596** was passed by (Record 213): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenber; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Dawson; Oliveira; Seaman; Smith, T.

**HB 1924 ON THIRD READING**  
**(by Chavez)**

**HB 1924**, A bill to be entitled An Act relating to the certification of certain health organizations by the Texas State Board of Medical Examiners.

**HB 1924** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2104 ON THIRD READING**  
**(by Delisi)**

**HB 2104**, A bill to be entitled An Act relating to the prosecution of the offense of hindering apprehension or prosecution.

**HB 2104** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2273 ON THIRD READING**  
**(by B. Cook)**

**HB 2273**, A bill to be entitled An Act relating to the administration of the unemployment compensation system by the Texas Workforce Commission.

A record vote was requested.

**HB 2273** was passed by (Record 214): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Chavez; Edwards; Hartnett; Oliveira; Talton.

**HB 2307 ON THIRD READING**  
**(by B. Cook)**

**HB 2307**, A bill to be entitled An Act relating to the terms of office of the Product Development and Small Business Incubator Board.

A record vote was requested.

**HB 2307** was passed by (Record 215): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Coleman; Edwards; Martinez Fischer; Oliveira.

### **HB 933 ON THIRD READING** **(by Taylor)**

**HB 933**, A bill to be entitled An Act relating to certain insurance for officers and employees of state agencies.

#### **Amendment No. 1**

Representative Geren offered the following amendment to **HB 933**:

Amend the second reading engrossment of **HB 933** by striking Subsection (b) of Sec 412.052 and substituting the following appropriately numbered section:

SECTION \_\_\_\_ . Subchapter F, Chapter 412, Labor Code, is amended by adding section 412.0525 to read as follows:

Sec. 412.0525. EXEMPTION FROM CERTAIN COVERAGE. The provisions of this chapter relating to the purchase of property, casualty, or liability insurance through the office do not apply to an institution of higher education with an associated health science center.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 933**, as amended, was passed by (Record 216): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb;

Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Baxter; Coleman; Oliveira.

### **HB 3527 - PERMISSION TO INTRODUCE**

Representative Haggerty requested permission to introduce and have placed on first reading **HB 3527**.

Permission to introduce was granted.

### **EMERGENCY CALENDAR HOUSE BILLS SECOND READING**

The following bills were laid before the house and read second time:

### **CSHB 10 ON SECOND READING (by Pitts and Denny) RULES SUSPENDED**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **CSHB 10**.

The motion prevailed.

The speaker laid before the house, on its second reading and passage to engrossment,

**CSHB 10**, A bill to be entitled An Act relating to making supplemental appropriations and reductions in appropriations.

### **Amendment No. 1**

Representative Herrero offered the following amendment to **CSHB 10**:

Amend **CSHB 10**, on page 2, by adding the following Section and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. HEALTH AND HUMAN SERVICES COMMISSION; CHILDREN'S HEALTH INSURANCE PROGRAM. The amount of \$140,750,000 is appropriated out of the general revenue fund and the amount of \$361,678,571 in matching federal funds is appropriated to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2005, for the restoration and expansion of the Children's Health Insurance Program.

#### AMENDMENT NO. 1 - DEBATE

REPRESENTATIVE COLEMAN: Representative Herrero, in a discussion I just had with Chairman Pitts, he said there was enrollment growth in the CHIP program. Tell me, how can there be enrollment growth when we have less children in the CHIP program based on the '06-'07 numbers than we had prior, even after September 1, 2003, when the program was cut?

REPRESENTATIVE HERRERO: Again, we do not have additional children. All we are doing is restoring—if this amendment is not passed all you're doing is restoring, not even, maybe, about half of the number that were dropped. And, in fact, upon estimates not even one of the 175 children cut off CHIP in 2003 will actually be restored to the CHIP program.

COLEMAN: So in terms of the 175,000 slots for children that we lost neither **HB 10** nor **CSSB 1** restores the slot for any one of those children that has been lost.

HERRERO: That's exactly right. We are not restoring those that were dropped in 2003.

COLEMAN: So, just so, because we are going to talk about this a little bit later as well, so just everybody understands that in **CSSB 1**, vision and dental were restored as benefits, but no child or no slot for a child that would be eligible for CHIP based on the criterion prior to the 2003 session would be eligible to come back on CHIP? And that is why you are bringing this amendment—to fully restore the number of children back to caseloads of prior to 2003, which would have been 527,000 kids instead of 330,000 kids?

HERRERO: That's exactly right. Neither **HB 10** or the **CSSB 1** restore not even one of those 175,000 children. So that is why you essentially have 175,000 children that are left behind. In addition to that, you leave over \$700 million in federal matching funds on the table that will be distributed to other states, and this is at a time when Texas is at an insurance crisis, when so many of its Texas children are uninsured.

COLEMAN: So out of the 1.4 million uninsured kids in that subset that would be eligible for Children's Health Insurance Program, if it were restored, none of them will have the opportunity to get health coverage under CHIP. Is that correct?

HERRERO: That is correct.

COLEMAN: Unless your amendment goes on.

HERRERO: That is correct, and that is why I am asking for the support of the amendment.

COLEMAN: Thank you, you have a great amendment.

REPRESENTATIVE BERMAN: Mr. Herrero, I am on the Appropriations Committee. Are you aware of the fact that out of the 175 that were dropped from CHIP during the last session, that immediately 45 percent went right back on Medicaid? Because if they are otherwise qualified for Medicaid under federal then they are not eligible for CHIP. Did you know that?

HERRERO: I understand that.

BERMAN: That's correct. This came from Albert Hawkins, the commissioner on Health and Human Services. Do you also realize that another 22 percent went immediately back on the CHIP rolls when they were found to be qualified? This came from Albert Hawkins also. Another 12.5 percent. Did you know another 12.5 percent went back on private health insurance because they were on the higher end of the CHIP scale? They were making \$45,000 a year for a family of four. So when you say 175,000 kids were dropped from CHIP, they are not running around the streets of Texas somewhere without health insurance because almost 72 percent of them went right back on health insurance immediately. Did you know that?

HERRERO: That might be the case—

BERMAN: That is the case.

HERRERO: Okay, but the problem that you have is the fact that you are turning to Medicaid and some people do not qualify for Medicaid, so essentially what you are encouraging is for families that are trying to get out of governmental assistance to not receive any sort of assistance when you have a single parent mother who is working.

BERMAN: Is CHIP not government assistance?

HERRERO: It is, but it helps because when you talk about that it affects a lot of positions throughout the state as well. The reimbursement rates for physicians are nowhere near the amount of costs that they are expending providing these costs through Medicaid.

BERMAN: I agree that every child in this state should be covered by insurance, but when you are throwing numbers out like 175,000 were dropped, be very clear because 45 percent went immediately back on Medicaid, 22 percent back on CHIP, and another 15-20 percent went back on private health insurance, which was dropped to get on CHIP in the first place.

HERRERO: Right, but what you are doing there is you are essentially allowing the federal government to dictate what Texas does in providing coverage for its children.

BERMAN: It's federal law. You have to abide by federal law.

HERRERO: Right, that's right. But what isn't federal law is the CHIP program, and how much we as a state can step up and fund to provide additional coverage to children that would otherwise—whether you are talking about reinstating through CHIP or Medicaid—when you provide additional funding money—when we get \$3 for every \$1 that the state puts in, you increase the number of children who would otherwise have health insurance.

BERMAN: I do not disagree with you. I disagree with the way you are throwing numbers around erroneously.

HERRERO: Well, the fact is that without this amendment you would have essentially 175,000 children not under the CHIP program that otherwise would have been available to be part of the CHIP program.

BERMAN: Okay. Thank you.

REPRESENTATIVE TURNER: Thanks. Representative Herrero, let me just say that I understand.

MR. SPEAKER: Mr. Baxter raises the point of order that the gentleman's time has expired. The point of order is well taken and sustained.

HERRERO: I move for passage, Mr. Speaker.

MR. SPEAKER: Chair recognizes Representative Luna.

REPRESENTATIVE LUNA: Thank you, Mr. Speaker and members. And you know, I too appreciate and understand the intent of this particular amendment. But I want to highlight some of the things we have already done for the CHIP program. And, I would also like to point out that—this—this particular vehicle, **HB 10**, is not the vehicle to be trying to do this. We have—many of us on the Appropriations Committee that have looked long and hard at ways to balance everything to make sure that we are taking care of all the essential state needs—we have done significant funding in Health and Human Services, especially in the Medicaid program. And we have done some additional funding in the CHIP program. In fact, **HB 10** does bring additional money into the CHIP program. Again, I do think that—that this has good intent, but I will move to table.

COLEMAN: Representative Luna, now it is correct that **HB 10** does put money in to deal with cost of drugs, utilization, and things of that nature—is that not true?

LUNA: That's correct.

COLEMAN: But it does not add a single child that would be eligible for the CHIP program based on how it was originally passed back on the CHIP program. Is that true?

LUNA: Well, you know there are—we have seen some changes in the amount of enrollment, you are well aware of that.

COLEMAN: No, I am not aware of it. Explain it to me.



LUNA: Well, first of all, the numbers have declined over time. What we have done and what we are looking at doing in the general appropriations bill, which we will be looking at shortly after we get past this bill, is to address the projected caseloads. So your question regarding, you know, the fact that the numbers have changed, there have been some changes.

COLEMAN: So the changes have been from 527,000 kids down to about 330,000 kids, and based on the bill we are going to hear later, it goes to 324,000 kids in '06, is that not correct?

LUNA: Yeah, that again. The projection on the caseloads of the following year and the current year that we in '05 and the next year '06 the projections still show a decline. I can't tell you exactly all the things that are driving that, Representative Coleman.

COLEMAN: Well, it might be that the **HB 2292** was written to purposely create a decline, is that not correct?

LUNA: Well, as you well know, I had a lot of questions with **HB 2292** and that is what I am trying to get at. I can't point to exactly what is causing that caseload projection to look the way it does, but what I can—

COLEMAN: So—

LUNA: —but what I can tell you, Representative Coleman, is that what we have done and what we are going to talk about as the general appropriations bill—it is kind of a different discussion than what is immediately before us. But we have attempted to address that.

COLEMAN: Okay, let me ask you—

LUNA: What is immediately before us in **HB 10**, and again I do appreciate the intent behind trying to increase funding for CHIP, but that is not something we can do in **HB 10** as a supplemental appropriations bill.

COLEMAN: It may be Chairman Pitts can ask this. Isn't it intended that money in **HB 10** be carried forward into the '07-'08 budget?

LUNA: You are talking about would there be UB?

COLEMAN: The unexpended balances from **HB 10** into the next biennium.

LUNA: There will be some unexpended balances throughout the bill or throughout various—

COLEMAN: Since there are unexpended balances—and what Mr. Herrero's amendment does is add the 175,000 slots back into the next biennium, not this biennium, by using up those unexpended balances that are in **HB 10**—doesn't that make this amendment in order?

LUNA: And what I am trying to suggest to you, Mr. Coleman, is that **HB 10** is not the place to be looking to increase funding for—

COLEMAN: Why not?

LUNA: Because we are, at this time—

COLEMAN: —Because it's over—

LUNA: Would you like me to answer the question?

COLEMAN: Uh, yeah.

LUNA: Okay, thank you very much. **HB 10** has a whole slew of items that are being funded, as you well know and whether or not you would consider this an emergency. I know we have differing opinions on the floor as to whether or not this is something that is so critical that it should be done at this point in time. I can tell you that there is a strong effort for not CHIP, but across the board for other Health and Human Services programs. Whether it be a Medicaid program or one of the other programs that are so important that we continue to address those needs. And this bill, at this time, is not the appropriate place.

COLEMAN: Well, Representative Luna, when is it appropriate? Because after the cuts in CHIP from last session that took these 175,000 slots off the appropriations committee, this legislature, the whole State of Texas government had an opportunity to review this and figure out whether that's not something that's worthwhile—even more worthwhile—than probably another \$140 million into the enterprise fund. Wait. Before we used all of the rainy day fund, don't you think those 175,000 slots for kids should have been put back?

LUNA: Well, we attempted to come back as you, as you look at the bill—

COLEMAN: Come back when? Five years from now?

LUNA: If you would let me finish my statement—what we have attempted to do with **HB 10** is to go back in and make up some of the dollars that are needed to keep the CHIP program intact right now. For example, the premiums that were going to be charged—that was suspended, that part of the policy change was suspended during the interim, and so what **HB 10** does is it makes up that funding as a part of the \$65 million that goes into CHIP—\$44 million of that is for the premium. So, at the end of the day, the families are going to have a lesser cost-sharing burden.

COLEMAN: Well, the reason that was done was not because of the fact that you needed to—that other than the fact that another 100,000 kids would have come off if that policy would have stayed in place, is that not correct?

LUNA: And I agree that having that policy change was a good thing to do and it has been done, and what we are doing in **HB 10**, which is the supplemental appropriations bill—

COLEMAN: I understand what it is.

LUNA: —is putting that money in there so that the program stays solid.

COLEMAN: But do you not agree that it is also an appropriations bill for the next biennium because it has substantial carry-forward dollars into it, into the '07-'08 budget?

LUNA: I don't agree. Your question earlier regarding UB is, as you well know, because of all your years of experience here and all the fine work that you have done, you know that many agencies have UB authority and that is not unusual. So I do not think that turns this bill into a general appropriations bill.

COLEMAN: Well, I think that because you took \$1.4 billion out of **CSSB 1** and literally put that spending into **HB 10**, it would seem to me that clearly you expect that money to roll forward in funding '07-'08. So since the appropriations committee didn't believe that was something necessary to fund the children either rainy day fund and all of those things that are being spent in **HB 10**, I think that—don't you think it is in order for Representative Herrero to bring forward, and going ahead and putting those children back into the CHIP program by appropriating those dollars since it is a rainy day? Why not have those children put back on the program?

LUNA: **HB 10** does address—the amendment speaks to the CHIP program, and the bill does address additional dollars for the program.

COLEMAN: But does it put any children back on the CHIP program?

LUNA: It creates an opportunity to maintain what is there for '05 and I think that is critically important, Representative Coleman.

COLEMAN: So you are saying—I am just going to ask a question—so you are saying out of all the money being spent that you didn't fight to make sure there were more children put back on the CHIP program?

LUNA: No, I am not saying that. That is what you are saying.

COLEMAN: No, I asked you a question.

LUNA: Uh, yeah. No. That was a statement on your part, and that is not what I am saying.

MR. SPEAKER: Frost raises a point of order. The lady's time has expired. The point of order is well taken and sustained.

LUNA: Mr. Speaker, I move to table.

MR. SPEAKER: Chair recognizes Mr. Herrero.

HERRERO: Members—

TURNER: Mr. Herrero, let me start off by saying I agree with the essence of the amendment. I want that to be perfectly clear. Within the emergency supplemental, which is **HB 10**, you will agree with me that there are additional dollars in **HB 10** for the CHIP program, correct?

HERRERO: Not if you compare it to what existed in 2003.

TURNER: I agree. When you look at **HB 10**, and even when you look at **SB 1**, the dollars that are in there do not equate to 2003. I am in total agreement with you. And it is your desire to at least bring us back to where we were to try and take—to try and provide additional coverage for those 147,000 kids that were reduced from the last biennium. That is your desire, is it not?

HERRERO: To fully restore the Children's Health Insurance Program.

TURNER: And let me say to you that I, and I am sure there are many others, are in total agreement with you and it is my goal and my desire to—and the desire of other members before this process has been completed—to achieve that purpose. For purposes for where we are right now, recognize that we are dealing with the emergency appropriations bill in **HB 10**, and within the emergency appropriations bill we are dealing with the items dealing with the premiums and with the increased caseloads that we did not fund in **HB 10**. You'll agree with me on that.

HERRERO: I agree on the purpose that you have alluded to, yes, in your statement.

TURNER: The other thing is that in order to get us in order, to get us back to where we were, there are several things that are going to have to take place. The eligibility requirements that we have imposed in the last session, the asset test, the 90-day wait, going from 12 months to 6 months, those were things that served to cut down those kids that would be eligible for the CHIP.

HERRERO: I agree.

TURNER: Okay, and those eligibility requirements—many of which were imposed through **HB 2292** in order to remove them—we have to remove them statutorily.

HERRERO: I agree.

TURNER: In the absence, in **HB 10**, even if we adopt your amendment, until we remove those statutory restraints, we are not going to be able to—even with the dollars—to return those kids, which you and I both agree, and many members on the floor agree need—deserve—insurance in order to live productive lives. I think you will agree with me on that.

HERRERO: I disagree in principle but not procedurally because a lot of what you hear in the legislature is that there is not enough money to do one thing or another, and I think this is a step forward in trying to fully restore the children that were dropped in 2003, and this is the first step that we take in getting to that goal. And I think following that you get into removing those obstacles that were put in place that essentially cut back on the number of enrollment, and I understand that **HB 10** deals with emergency and things of that nature, and I think that is where the State of Texas is. We are in an insurance crisis where you have several hundreds of thousands of children that were dropped in 2003 that we need to provide funding for so that they can have insurance. Even then, we are talking at a time when the federal government has decided, and at least it has been known to us as members of the legislature, that the federal government intends to further cut on programs that would assist people in need.

TURNER: Right, Representative Herrero. I am not—I agree with everything that you are saying. What we have done in the bill, in **SB 1**, is that we have provided CHIP to the kids who are eligible. The eligibility requirements, would you agree, were changed in the last session, which significantly reduced the number of kids that are eligible for CHIP. Will you agree with me?

HERRERO: I agree.

TURNER: Neither you nor myself agree with the eligibility requirements that were changed. I don't agree with them and I know you don't agree with them. But there is nothing in your amendment that is going to change the eligibility requirements, and, therefore, the dollars that are included in the amendment, whether we agree with the end goal—it is not going to impact the end goal by virtue of the amendment. That is the point that I am trying to make, that I fully support your desire and I fully agree with the ultimate goal. This is just not the step where that can be achieved, even if you and I wanted it to be achieved. That is the point that I am trying to make.

HERRERO: And I understand the point that you are trying to make, representative, and again I get to the fact that a lot of things, nothing, can be done without money and even if you remove the eligibility restraints that cause so many hundreds of thousands of children on CHIP to be dropped and there is no money, then there is nothing that you and I could do without allocating that money to fully restore the Children's Health Insurance Program. And that is why, again, I ask for support given the fact that we agree on what may have caused—

TURNER: I respect you for your position. I agree with your position. I am not going to be able to vote with this amendment. But I do want you to know that there are many people on this floor that are a part of the appropriations process that will do all that we can to achieve the ultimate goal as we move through the process. I just don't think at this point, with respect to the appropriations bill, that we can achieve the goal, even if the amendment went on.

HERRERO: I respect your opinions because I think we agree on principle but not procedurally, and I respect that.

TURNER: That is the only point of disagreement, and I can't go with the amendment. But, in substance, I agree with what you are saying. Procedurally, I simply don't think this amendment is applicable on this bill at this time, but we will work on it as we go further down the road, and I look forward to continuing to talk with you and dialogue with you about it.

HERRERO: Thank you.

#### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks on Amendment No. 1.

The motion prevailed.

Representative Luna moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 217): 97 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Callegari; Gonzalez Toureilles; Guillen; Hope; Pickett.

### **STATEMENTS OF VOTE**

I was shown voting yes on Record No. 217. I intended to vote no.

A. Allen

I was shown voting yes on Record No. 217. I intended to vote no.

Blake

When Record No. 217 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting yes on Record No. 217. I intended to vote no.

Campbell

I was shown voting yes on Record No. 217. I intended to vote no.

Giddings

When Record No. 217 was taken, I was temporarily out of the house chamber. I would have voted no.

Gonzalez Toureilles

When Record No. 217 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 217. I intended to vote no.

Homer

I was shown voting yes on Record No. 217. I intended to vote no.

Hopson

I was shown voting yes on Record No. 217. I intended to vote no.

McClendon

I was shown voting yes on Record No. 217. I intended to vote no.

Ritter

I was shown voting yes on Record No. 217. I intended to vote no.

Turner

## Amendment No. 2

Representative Farabee offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_. HEALTH AND HUMAN SERVICES COMMISSION: CHILDREN'S HEALTH INSURANCE PROGRAM MENTAL HEALTH BENEFITS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2005, the amount of \$3,300,000 is appropriated to the Health and Human Services Commission from the Economic Stabilization Fund for the two-year period beginning on the effective date of this Act for the purpose of providing mental health services under the Children's Health Insurance Program and related programs.

Representative J. Davis moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 218): 84 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Goodman; Haggerty; Hamilton; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Swinford; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Campbell.

Absent — Cook, B.; Giddings; Guillen; Hodge; Hughes; Riddle.

### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 218. I intended to vote no.

Campbell

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted no.

Giddings

When Record No. 218 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 218. I intended to vote no.

Hunter

I was shown voting yes on Record No. 218. I intended to vote no.

Turner

### Amendment No. 3

Representative Farabee offered the following amendment to **CSHB 10**:

Amend **CSHB 10** as follows:

(1) On page 2, line 8, between "PROGRAM." and "In" insert "(a)".

(2) On page 2, between lines 17 and 18 insert:

(b) The Health and Human Services Commission shall allocate at least \$3,300,000 of the amount appropriated by Subsection (a)(1) of this section for the purpose of providing mental health benefits under the Children's Health Insurance Program and related programs.

Representative J. Davis moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 219): 88 Yeas, 57 Nays, 1 Present, not voting.



Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Luna; Madden; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Guillen; Kolkhorst; McCall.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 219. I intended to vote no.

Giddings

When Record No. 219 was taken, my vote failed to register. I would have voted no.

Guillen

#### Amendment No. 4

Representative Coleman offered the following amendment to **CSHB 10**:

Amend **CSHB 10**, on page 2, by adding the following new section and by renumbering any remaining sections accordingly:

SECTION\_\_\_. HEALTH AND HUMAN SERVICES COMMISSION; OPTIONAL MEDICAID SERVICES AND MEDICALLY NEEDY PROGRAM. The amount of \$62,400,000 is appropriated out of the general revenue fund and \$156,000,000 in matching federal funds to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2005, to restore Optional Medicaid Services and the amount of \$35,000,000 is appropriated out of the general revenue fund and \$156,000,000 in matching federal funds to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2005, to restore the Medically Needy Program.

(Berman in the chair)

Representative J. Davis moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 220): 84 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Berman(C); Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Tourelles; Goodman; Haggerty; Hamilton; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Deshotel; Flores; Giddings; Guillen; Hodge; Peña; Pickett.

### STATEMENTS OF VOTE

When Record No. 220 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 220 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 220 was taken, I was in the house but away from my desk. I would have voted no.

Hodge

### Amendment No. 5

Representative Burnam offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following section:

"SECTION 12(A). TEACHER RETIREMENT SYSTEM OF TEXAS: The amount of \$11,000,000,000 is appropriated out of the General Revenue Fund to the Teacher Retirement System of Texas for the state fiscal year beginning September 1, 2005, for the purpose of covering the \$11 billion shortfall at TRS and providing promised benefits and health care for public education retirees."

Amendment No. 5 was withdrawn.

(Speaker in the chair)

**Amendment No. 6**

Representative Eiland offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION\_\_\_\_. TEACHER RETIREMENT SYSTEM OF TEXAS: TRS-ACTIVE CARE HEALTH INSURANCE; SUPPLEMENTAL FUNDS. The amount of \$58 million is appropriated out of the Economic Stabilization Fund to the Teacher Retirement System of Texas for the two-year period beginning September 1, 2005, for the purpose of providing funding for retired employee health-supplemental funds (health care for public education employees funded by supplemental state funds). Any unexpended balance at the end of the fiscal period remains in the control of the Teacher Retirement System.

Representative Kolkhorst moved to table Amendment No. 6.

The motion to table prevailed. (Kuempel recorded voting no.)

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 3).

**CSHB 10 - (consideration continued)**

**Amendment No. 7**

Representative Eiland offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding a new section, numbered appropriately, to read as follows:

SECTION\_\_\_\_. The Economic Stabilization Fund established under Section 49-g, Article III, Texas Constitution, may also be referred to as "The Everyday Fund."

**Amendment No. 7 - Point of Order**

Representative Chisum raised a point of order against further consideration of Amendment No. 7 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Pitts moved to table Amendment No. 7.

The motion to table prevailed.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**CSHB 10 - (consideration continued)****Amendment No. 8**

Representative Gallego offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (House Committee Printing) as follows:

(1) On page 9, following line 27, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. TEXAS HIGHER EDUCATION COORDINATING BOARD: FORMULA FUNDING. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2005, the amount of \$600,000,000 is appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the two-year period beginning on the effective date of this Act for the purpose of increasing the amount of formula funding distributed to institutions of higher education. The coordinating board shall allocate money appropriated by this section to institutions of higher education as determined appropriate by the board, consistent with the board's funding formulas, to supplement other money appropriated to those institutions.

(2) On page 14, between lines 1 and 2, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. LIMITATION ON EXPENDITURE OF APPROPRIATED TUITION AND FEES: INSTITUTIONS OF HIGHER EDUCATION. (a) An institution of higher education may not expend any revenue appropriated to the institution derived from tuition and compulsory fees charged to any student of the institution for any academic period of the 2005-2006 academic year to the extent that the amount of that revenue derived from that student exceeds 103 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(b) For the two-year period beginning on the effective date of this Act, an institution of higher education may not expend any revenue appropriated to the institution derived from tuition and compulsory fees charged to any student of the institution for any academic period of the 2006-2007 academic year to the extent that the amount of that revenue derived from that student exceeds 106 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(c) For purposes of this section, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition and compulsory fees charged to the student.

(d) This section applies only to increased revenue received on a per student basis. This section does not restrict the expenditure of increased revenue to the extent that the increase in revenue is due to an increase in the number of students.

(3) Renumber SECTIONS of the bill accordingly:

**Amendment No. 8 - Point of Order**

Representative Kolkhorst raised a point of order against further consideration of Amendment No. 8 under Rule 8, Section 4 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the amendment changes general law.

The speaker sustained the point of order and submitted the following ruling:

Representative Kolkhorst raised a point of order against further consideration of Representative Gallego's amendment to **CSHB 10** on the grounds that the amendment violated Article III, Section 35 of the Texas Constitution and Rule 8, Section 4, House Rules. Both the constitutional provision and the house rule states that a general law "may not be changed by the provisions in an appropriations bill".

**CSHB 10** provides supplemental appropriations for higher education in the current biennium. The Gallego amendment, in its pertinent section, contains a restriction that an institution of higher education may not expend any revenue appropriated to the institution during the next biennium "if the total amount of tuition under Section 54.0513, Education Code, and mandatory fees charged to a student by the institution" exceed certain percentages compared to previous academic years. Representative Kolkhorst noted, and the chair agrees, that the net effect of the Gallego amendment would have been to impound money raised over a certain dollar amount and that those impounded funds could not be available for use in the General Appropriation Act, in effect reducing the sum of money available for the general appropriations.

First, it should be noted that the amendment dealt with a higher education appropriations in the next biennium and that **CSHB 10** only dealt with the higher education appropriations in the current biennium, the amendment would not have been germane.

Additionally, the setting of and collection of tuition is a unique and complicated area of state law. The general law specifically designates to the governing body of institutions of higher education the ability to charge an amount of tuition considered "necessary for the effective operation of the institution". Further, there are unique and complicated provisions in general law relating to the accounting and use of tuition funds collected.

As a general rule, an amendment or rider to an appropriations bill may not repeal, modify, or amend an existing law and may not impose or conflict with a general law requirement. *State v. Steele*, 57 Tex. 203 (1882); *Moore v. Shepard*, 192 S.W.2d 559 (Tex. 1946).

It has been pointed out, as early as 1882, that the majority of riders that have been stricken to appropriations acts are those that attempt to modify or amend a general statute. Each decision on whether an amendment violates the constitutional provision and house rule turns on the nature of the amendment and the nature of the general law restriction. See *State v. Steele*, 57 Tex. 203 (1882).

Under Article III, Section 35, of the Texas Constitution, an appropriations bill may only appropriate money and direct, limit, or control the expenditures of money appropriated by that bill. See Attorney General's Opinion V-1254 (1951).

Because the amendment purports to control the expenditure of funds that were not appropriated by **CSHB 10**, the amendment effectively constitutes a general law restriction on the use of funds and therefore was not in order.

Also, there is a general law requirement affected by Mr. Gallego's amendment. Section 54.0513, Education Code, is a unique provision of state law. Subsection (c) describes tuition collected by institutions of higher education are "institutional funds" and are accounted for as "designated funds". "These funds shall not be accounted for in a general appropriations act in such a way as to reduce the general appropriations".

It is the opinion of the chair that Representative Gallego's amendment conflicted with the general law requirement contained in the provisions of Section 54.0513, Education Code, so that the amendment would have the effect of accounting for the funds "in such a way as to reduce the general appropriations".

Because the amendment was not germane and violated Rule 8, Section 4, the point of order is well taken and sustained; Attorney General Opinion M-1199; Attorney General Opinion DM-81 (1992).

The ruling precluded further consideration of Amendment No. 8.

#### **Amendment No. 9**

Representative Gallego offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (House Committee Printing) as follows:

(1) On page 9, following line 27, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. TEXAS HIGHER EDUCATION COORDINATING BOARD: FORMULA FUNDING. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2005, the amount of \$600,000,000 is appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the two-year period beginning on the effective date of this Act for the purpose of increasing the amount of formula funding distributed to institutions of higher education. The coordinating board shall allocate money appropriated by this section to institutions of higher education as determined appropriate by the board, consistent with the board's funding formulas, to supplement other money appropriated to those institutions.

(2) On page 14, between lines 1 and 2, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. LIMITATION ON EXPENDITURE OF APPROPRIATED TUITION AND FEES: INSTITUTIONS OF HIGHER EDUCATION. (a) An institution of higher education may not expend any revenue appropriated to the institution for any academic period of the 2005-2006 academic year if the total amount of tuition under Section 54.0513, Education Code, and mandatory fees charged to a student by the institution exceeds 103 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(b) For the two-year period beginning on the effective date of this Act, an institution of higher education may not expend any revenue appropriated to the institution for any academic period of the 2006-2007 academic year if the total amount of tuition under Section 54.0513, Education Code, and mandatory fees charged to a student by the institution exceeds 106 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(c) For purposes of this section, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition and compulsory fees charged to the student.

(3) Renumber SECTIONS of the bill accordingly:

Amendment No. 9 was withdrawn.

### **Amendment No. 10**

Representative Gallego offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered section:

"Section \_\_\_\_: Higher Education Coordinating Board: Restoration of cuts made to the Texas Grants Program. In addition to the amounts appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$200,000,000 is appropriated out of the general revenue fund to the Higher Education Coordinating Board for the two-year period beginning on the effective date of this bill for the purpose of fully funding the Texas Grants Program – Strategy B.1.9."

Representative Branch moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 221): 89 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Denny; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.;

Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Veasey; Villarreal; Vo; Woolley.

Present, not voting — Mr. Speaker(C).

Absent — Bohac; Guillen; Jones, J.; Puente.

### STATEMENTS OF VOTE

When Record No. 221 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting no on Record No. 221. I intended to vote yes.

Delisi

I was shown voting yes on Record No. 221. I intended to vote no.

Gonzalez Toureilles

When Record No. 221 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting no on Record No. 221. I intended to vote yes.

Woolley

### Amendment No. 11

Representative Eiland offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered Section to the bill:

SECTION \_\_\_\_\_. UTMB: BIOCONTAINMENT LABORATORY. The amount of \$54,600,000 is appropriated to The University of Texas Medical Branch at Galveston out of Economic Stabilization Fund for the state fiscal biennium beginning September 1, 2005, for the purpose of developing the infrastructure necessary for a National Biocontainment Laboratory and related research and development for bioterrorism countermeasures, such as drugs and vaccines, to protect against biological and chemical attack in accordance with federal goals and efforts in Project Bio Shield.

Representative Kolkhorst moved to table Amendment No. 11.

A record vote was requested.

The motion to table prevailed by (Record 222): 85 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen, R.; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Dutton; Edwards; Eissler; Elkins; Escobar; Flores; Flynn; Gattis; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Hartnett; Hegar;



Hill; Howard; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Straus; Swinford; Talton; Truitt; Turner; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Campbell; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; Farabee; Farrar; Frost; Gallego; Geren; Gonzales; Herrero; Hilderbran; Hochberg; Hopson; Hughes; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Taylor; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Davis, J.; Hamilton; Harper-Brown; Hodge; Homer; Hope; Mowery; Pickett.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 222. I intended to vote no.

Gonzalez Toureilles

### Amendment No. 12

Representative Frost offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered Section to the bill:

SECTION \_\_\_\_\_. The amount of \$2 million is appropriated to Texas A&M University out of the general revenue fund for use by the Integrative Center for Homeland Security during the state fiscal biennium beginning September 1, 2005, for the purpose of hazardous material cleanup on interstate highways.

Representative Chisum moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 223): 100 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Dukes; Eissler; Elkins; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Miller; Moreno, J.; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Straus; Swinford; Talton; Taylor; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hughes; Jones, J.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Merritt; Moreno, P.; Naishtat; Noriega, M.; Olivo; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Cook, B.; Denny; Deshotel; Edwards; Hardcastle; Jones, D.; Laney; Menendez; Puente; Smithee; Truitt.

### STATEMENT OF VOTE

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

### Amendment No. 13

Representative Thompson offered the following amendment to **CSHB 10**:

Amend **CSHB 10** by adding the following appropriately numbered Section to the bill:

SECTION \_\_\_\_\_. APPROPRIATIONS FROM TELECOMMUNICATIONS INFRASTRUCTURE FUND. Notwithstanding any other provision of this Act, none of the money appropriated by this Act may be appropriated out of the Telecommunications Infrastructure Fund.

### AMENDMENT NO. 13 - DEBATE

REPRESENTATIVE THOMPSON: Mr. Speaker and members, last month we told the people of this state that there would be truth in taxation and we repealed the Texas, the Telecommunications Infrastructure or the TIF tax because that tax had accomplished the purpose in which the rate payers were paying. What this amendment would do—this amendment will allow those rate payers to keep their money because we did not tell them that we were going to use the money for any other purpose other than the purpose of equipping hospitals, libraries, and schools, and places like that, with the telecommunications infrastructure. We debated this last month. We said we had done all of that except the last five percent. The money was there to complete the last five percent that was going to be remaining, and what I'm asking you to do is to give the people, the ratepayers, back their money and stop using their money for purposes other than what we told them we were going to do. The people who sent us here ought to be able to rely upon what we tell them. When we tax them, they ought to be able to rely upon the purpose of that tax. So I'm asking you to make sure you vote to allow the ratepayers to keep their money because the debt that they were paying this for has been paid.

REPRESENTATIVE TURNER: Mr. Speaker and members, I certainly could not agree with Representative Thompson more. The amendment that we have passed on the telecommunications bill, **HB 789**, that was 2006–2007. We're back to the TIF, which I carried in 1995, and implemented, for two reasons. Number one, the

bill, **HB 10**, is not going to rely on the TIF, that's number one. And number two, with respect to its future purposes, we are now, based on the amendment, going to use any future dollars from the TIF for future purposes of **HB 7**.

REPRESENTATIVE Y. DAVIS: Mr. Turner, does **HB 10** have any funds in it from the TIF? Are they using any funds?

TURNER: As far I know, Representative Davis, we are not using any funds from the TIF.

Y. DAVIS: So, in terms of the commitment we made by passing it on **HB 789**, that was for 2006–2007.

TURNER: That's correct.

Y. DAVIS: 2005, **HB 10** has no TIF funds in it, is that what you're saying?

TURNER: As far as I know, there are no TIF dollars.

Y. DAVIS: Who will be able to tell us for sure? One of the problems is sometimes we don't see it. So, Representative Chisum, if you know the answer to this—you waved your hands. We're just trying to be clear about whether or not there is funds in the **HB 10** dealing with TIF.

TURNER: Let me just say in **HB 10**, in complete disclosure, we're not utilizing the TIF. You will find TIF dollars in **SB 1**.

Y. DAVIS: Okay, so the only reason I have a second follow-up question is typically if we have an amendment that you all know doesn't fit a bill. You would have called it on the basis of that not being an amendment not being appropriate for this bill.

TURNER: I would tell you I just got the amendment, and I just walked up to speak to Representative Thompson when she was called up.

Y. DAVIS: Okay, so we're to believe that **HB 10** does not include any money in the TIF, even for 2005. That's correct?

TURNER: **HB 10. HB 10.** But you will find it in **SB 1**.

Y. DAVIS: Okay, thank you.

TURNER: **HB 10.** But you will find it in **SB 1**. And for that explanation, I will respectfully ask that this particular amendment be tabled.

THOMPSON: Mr. Speaker and members, if we can rely on truth in statements then I would withdraw my amendment if there is no TIF money in this bill. Is that right, Speaker Pro Tempore?

TURNER: That is correct.

Amendment No. 13 was withdrawn.

A record vote was requested.

**CSHB 10** was passed to engrossment by (Record 224): 137 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberger; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Davis, Y.; Farrar; Herrero; Leibowitz; Moreno, J.; Moreno, P.; Raymond; Thompson.

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Edwards; Jones, J.; Smithee.

### STATEMENTS OF VOTE

When Record No. 224 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

When Record No. 224 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

I was shown voting no on Record No. 224. I intended to vote yes.

Herrero

I was shown voting no on Record No. 224. I intended to vote yes.

Leibowitz

I was shown voting no on Record No. 224. I intended to vote yes.

Raymond

### REMARKS ORDERED PRINTED

Representative Thompson moved to print the debate on Amendment No. 13.

The motion prevailed.

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**HB 857 ON SECOND READING**  
**(by Talton and Hunter)**

**HB 857**, A bill to be entitled An Act relating to the authority of a municipality to require the removal of certain vehicles from a freeway without the consent of the owner or person in charge of the vehicle.

**HB 857** was read second time on March 30 and was postponed until 10 a.m. today.

Representative Talton moved to postpone consideration of **HB 857** until 10 a.m. April 13.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 1 ON SECOND READING**  
**(Pitts - House Sponsor)**

**CSSB 1**, General Appropriations Bill.

**Amendment No. 1**

Representative Peña offered the following amendment to **CSSB 1**:

Floor Packet Page No. 1

Amend **CSSB 1** as follows:

On Page I-10, Office of the Attorney General, under Section 13, Victims Assistance Grants, make the following change:  
strike "60" and insert "100" so as to read:

Within ~~60~~ 100 days after the close of each fiscal year, the Office of the Attorney General shall submit a report detailing the expenditure of funds appropriated in Strategy C.1.2, Victims Assistance.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Keel offered the following amendment to **CSSB 1**:

Floor Packet Page No. 2

Amend **CSSB 1** by adding the following appropriately numbered rider in Article I of the bill after the appropriations to the Office of the Attorney General: \_\_\_\_\_. Victim-Related Services or Assistance. It is the intent of the legislature that excess money in the compensation to victims of crime fund, as certified under Subsection (b), Article 56.541, Code of Criminal Procedure, and appropriated in this Act or any other Act enacted by the 79th Legislature, be expended only for compensation, services, or assistance provided directly to a victim or claimant for the purpose of supporting or assisting the recovery of the victim or claimant from the consequences of criminally injurious conduct.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Dunnam offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 3

Amend **CSSB 1**, on page I-14, Bond Review Board, add a new section as follows:

"Sec. \_\_\_\_\_. Cost Analysis and Legislative Report on Interest-Only Payments on State Bonds. The Bond Review Board shall identify, by agency and project, the total amount of general obligation and revenue bonds for which interest-only was paid on outstanding debt during fiscal years 2004 and 2005 and for which interest-only is paid on debt issued or debt outstanding in fiscal years 2006 and 2007. The Board shall determine the amount of additional costs incurred for each biennium and the long-term costs to the state if such a debt policy is continued. The Board shall report its findings to the Legislature, the Governor, and the Comptroller of Public Accounts not later than October 1, 2006."

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Dunnam offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 4

Amend **CSSB 1** in ARTICLE 1, Building and Procurement Commission, on page I-19, by inserting the following appropriately numbered Rider and renumbering subsequent Riders appropriately:

"\_\_\_\_. BARBARA C. JORDAN STATE OFFICE BUILDING. The Building and Procurement Commission shall name the state office building located at 105 West 15th Street in Austin, Texas, the Barbara C. Jordan State Office Building."

**Amendment No. 4 - Point of Order**

Representative Chisum raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 4.

**Amendment No. 5**

Representative Coleman offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 5

Amend **CSSB 1**, Article I, on Page I-25, Comptroller of Public Accounts, by adding a new rider as follows:

"18. Special Report on Effect of Certain Federal and State Tax Policies on Personal Income and Business. Not later than October 15, 2006, the Comptroller of Public Accounts shall submit a report to the governor and each member of the legislature providing an analysis by income level of the number of Texans who itemize their federal income taxes and the amount of state sales taxes deducted

from federal income taxes by income level. Contingent upon passage of **HB 3** or similar legislation imposing new state taxes or expanding or reforming existing state taxes, the report also shall include the following: (1) a tax incidence analysis by income level on any increase in the sales tax rate, expansion in the sales tax base, and any repeal of an existing sales tax exemption or exclusion; (2) the total amount of business taxes collected under a reformed franchise tax and the total amount of business taxes collected under a payroll tax; and (3) a profile of the businesses paying a reformed franchise tax and a profile of the businesses paying a payroll tax by the number of employees, the amount of wages, the total amount of claimed credits, and the number and wages of employees over \$90,000.

Representative Chisum moved to table Amendment No. 5.

The motion to table prevailed.

#### **Amendment No. 6**

Representative Chisum offered the following amendment to **CSSB 1**:

Floor Packet Page No. 6

Amend **CSSB 1** as follows:

In Article I, page I-30, Fiscal Programs - Comptroller of Public Accounts, insert an additional rider as follows:

Contingency Appropriation for **HB 2201** ("FutureGen" project). Contingent upon enactment of **HB 2201** or similar legislation authorizing grants for development in Texas of the coal-based integrated sequestration and hydrogen research project to be built in partnership with the United States Department of Energy, commonly referred to as the FutureGen project: (1) in fiscal year 2006, \$2 million out of appropriations to the Texas Enterprise Fund shall be transferred to the State Energy Conservation Office for the purpose of financing a state response to a Request for Proposals to be issued by the U.S. Department of Energy regarding the FutureGen project; and (2) further contingent on selection of a Texas site for the FutureGen project, \$20 million out of fiscal year 2006 or 2007 appropriations to the Texas Enterprise Fund shall be transferred to the State Energy Conservation Office for the purpose of providing grants to the managing entity of the FutureGen project.

#### **Amendment No. 7**

Representative Chisum offered the following amendment to Amendment No. 6:

Amend Amendment 6 proposed by Representative Chisum by striking "Article I, page I-30" and substituting "Article XI".

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

#### **Amendment No. 8**

Representative Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 7

Amend **CSSB 1** (House Committee Printing) in Article I of the bill, by adding the following appropriately numbered rider after the appropriations to the Office of the Governor:

\_\_\_\_\_. Appropriations Prohibited for Purposes of Policy Promotion. None of the money appropriated by this Act may be used for the purpose of providing compensation directly or indirectly to a privately employed, independent, or syndicated journalist, public relations firm, graphics firm, media firm, or consultant to publicize or otherwise advocate for or promote a policy of or promoted by the Office of the Governor.

Representative Chisum moved to table Amendment No. 8.

The motion to table prevailed.

#### **Amendment No. 9**

Representative Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 8

Amend **CSSB 1** (House Committee Printing) in Article I of the bill, on page I-50 by adding the following to Rider No. 12:

"The State Auditor shall examine the operations and expenditures of the Texas Enterprise Fund and prepare and issue a report to the 80th Legislature not later than October 1, 2006. The report shall detail all the expenditures, contracts and agreements made with or under this fund prior to September 1, 2006. The report shall detail the number of jobs created by the corporation with whom a contract or agreement is made, the expenditure per job, the average salary or wage per job created in the State by the corporation receiving funds from the Texas Enterprise Fund, the net gain to state and local tax revenue, the projected net gain to state and local tax revenue for the next five years, the number of jobs which the corporation has or is projected to establish in a foreign state or country, and a cost-benefit analysis."

Amendment No. 9 was withdrawn.

#### **Amendment No. 10**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 9

Amend **CSSB 1**, on page I-53, Trusteed Programs within the Office of the Governor, by changing section 23. Report on Use of Money in the Texas Enterprise Fund to read:

"23. Report on Use of Money in the Texas Enterprise Fund. By January 1st each year, the governor shall submit to the lieutenant governor, speaker of the house of representatives, and each other member of the legislature an annual report on grants made under § 481.078, Government Code, and post the report on the internet that states:

- a. the number of direct jobs each recipient promised to create in this state;
- b. the number of direct jobs each recipient created in this state;
- c. the median wage of the jobs each recipient created in this state;



d. the salary of new jobs each recipient created, listed in salary bands of no more than \$5,000;

e. a list of all recipients that did not meet their job or wage goals and any action that is not being taken by the governor;

[d]f. the amount of capital investment each recipient promised to expend or allocate per project in this state;

[e]g. the amount of capital investment each recipient expended or allocated per project in this state;

[f]h. the total amount of grants made to each recipient;

[g]i. the total amount of tax credits, local incentives, and other money or credits distributed to each recipient by governmental entities of this state;

[h]j. the percentage of money granted to recipients with fewer than 100 employees;

[i]k. the geographical distribution of grants by county;

[j]l. the average amount of money granted in this state for each job created in this state by grant recipients;

[k]m. the number of jobs created in this state by grant recipients in each sector of the North American Industry Classification System (NAICS);

[l]n. the effect of grants on employment, personal income, and capital investment in this state and in each regional planning commission area; and

[m]o. a detailed description of each recipient's employee benefits program.

p. all new contracts signed by grant recipients

### **Amendment No. 11**

Representative Coleman offered the following amendment to Amendment No. 10:

Amend Floor Amendment No. 10 on page 9 of the amendment packet, by striking everything after "23. Report on Use of Money in the Texas Enterprise Fund." and substituting the following:

~~[Before the beginning of each regular session of the legislature,]~~ By January 1st each year, the governor shall submit to the lieutenant governor, speaker of the house of representatives, and each other member of the legislature an annual report on grants made under § 481.078, Government Code, and post the report on the internet that states:

a. the number of direct jobs each recipient promised to create in this state;

b. the number of direct jobs each recipient created in this state;

c. the median wage of the jobs each recipient created in this state;

d. the salary of new jobs each recipient created, listed in salary bands of no more than \$5,000;

e. a list of all recipients that did not meet their job or wage goals and any action that is being taken by the governor;

[d]f. the amount of capital investment each recipient promised to expend or allocate per project in this state;

[e]g. the amount of capital investment each recipient expended or allocated per project in this state;

[f]h. the total amount of grants made to each recipient;

~~[g]~~i. the total amount of tax credits, local incentives, and other money or credits distributed to each recipient by governmental entities of this state;

~~[h]~~i. the percentage of money granted to recipients with fewer than 100 employees;

~~[i]~~k. the geographical distribution of grants by county;

~~[j]~~l. the average amount of money granted in this state for each job created in this state by grant recipients;

~~[k]~~m. the number of jobs created in this state by grant recipients in each sector of the North American Industry Classification System (NAICS);

~~[l]~~n. the effect of grants on employment, personal income, and capital investment in this state and in each regional planning commission area; and

~~[m]~~o. a detailed description of each recipient's employee benefits program.

p. the number of each recipients' employees with dependents in the Children's Health Insurance Program.

q. all new contracts signed by grant recipients

Amendment No. 11 was adopted.

Representative Ritter moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 225): 101 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Gonzales; Herrero; Hilderbran; Hochberg; Hodge; Jones, J.; Keel; King, T.; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Puente; Quintanilla; Rodriguez; Rose; Solis; Strama; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Allen, A.; Giddings; Homer; Hope; Raymond.

### STATEMENT OF VOTE

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

#### Amendment No. 12

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 10

Amend **CSSB 1**, on page I-53, Trusteed Programs within the Office of the Governor, by adding a new section as follows and by renumbering the remaining sections accordingly:

"Sec. \_\_\_\_\_. Use of Money in the Texas Enterprise Fund. Prior to awarding a grant from funds appropriated above for Strategy A.1.8, the Governor shall: (1) publish notice and hold a public hearing before granting a grant more than \$1,000,000; and (2) ensure the entity receiving the grant is current on all taxes; in compliance with all relevant environmental, occupational and safety, and labor laws; and is in good standing under the laws of the state in which the entity was formed or organized.

"In addition, grants must be paid in installments, with no installment greater than 25% of the total subsidy and no more than one installment paid per quarter. Scheduled goals must be met before an installment is paid. The Governor shall require recipients of grants to annually report the salary schedule, including benefits, in bands of \$5,000 for all positions related to the grant, and whether health insurance and pension benefits provided to employees are comparable to what is offered to state employees, including dependent coverage."

(Phillips in the chair)

Representative Luna moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 226): 100 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips(C); Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Haggerty; Herrero; Hochberg; Hodge; Jones, J.; Keel; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker.

Absent — Crabb; Flores; Hupp; Oliveira.

### STATEMENT OF VOTE

When Record No. 226 was taken, my vote failed to register. I would have voted yes.

Hupp

### Amendment No. 13

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 11

Amend **CSSB 1**, on page I-53, Trusteed Programs within the Office of the Governor, by adding a new section as follows and by renumbering the remaining sections accordingly:

"Sec.\_\_\_. Use of Texas Enterprise Fund to Reimburse the Skills Development Fund. The Skills Development Fund shall be reimbursed by the General Revenue Dedicated Texas Enterprise Fund Account No. 5107 for all Skills Development Fund grants awarded to recipients that are under contract with the Texas Enterprise Fund."

Representative Chisum moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 227): 98 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips(C); Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Dutton; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Jones, J.; Keel; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker.

Absent — Flores; Goolsby; Hodge; McClendon; Oliveira; Solomons; Villarreal.

### STATEMENT OF VOTE

When Record No. 227 was taken, I was temporarily out of the house chamber. I would have voted yes.

Solomons

### Amendment No. 14

Representative Thompson offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 8

Amend **CSSB 1** (House Committee Printing) in Article I of the bill, on page I-50 by adding the following Rider No. 12:

"The State Auditor shall examine the operations and expenditures of the Texas Enterprise Fund and prepare and issue a report to the 80th Legislature not later than October 1, 2006. The report shall detail all the expenditures, contracts and agreements made with or under this fund prior to September 1, 2006. The report shall detail the number of jobs created by the corporation with whom a contract or agreement is made, the expenditure per job, the average salary or wage per job created in the State by the corporation receiving funds from the Texas Enterprise Fund, the net gain to state and local tax revenue, the projected net gain to state and local tax revenue for the next five years, the number of jobs which the corporation has or is projected to establish in a foreign state or country, and a cost-benefit analysis."

### Amendment No. 15

Representative Thompson offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 to **CSSB 1** by Thompson (page 8, prefiled amendments packet), on line 3 of the amendment, by striking "State Auditor" and substituting "Legislative Budget Board".

Amendment No. 15 was adopted.

Amendment No. 14, as amended, was adopted.

### Amendment No. 16

Representative Farrar offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 12

Amend **CSSB 1** as follows:

In Article I, add the following language to the appropriately numbered rider under the appropriations to the Trusteed Programs Within the Office of the Governor (page I-53):

— Monitoring Requirements for Major Sources. From the amounts appropriated above in Strategy A.1.8, Texas Enterprise Fund, the Office of the Governor shall grant monies in the exact amount needed to the Commission on Environmental Quality for providing daily fence-line monitoring of the emission of air contaminants of a major source using the definition of major source as assigned by Title V of the federal Clean Air Act (42 U.S.C. Section 7661). The major source must provide for itself two evenly spaced monitors. The Commission on Environmental Quality shall make and maintain records on the measuring and monitoring of the emissions. The commission shall adopt effects screening levels which take into consideration health effects on a person due to exposure to an air contaminant. The commission may report the impact of air emissions on businesses to the Office of the Governor and to the Legislature.

Representative Chisum moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 228): 104 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen, R.; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips(C); Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dunnam; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Jones, J.; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Quintanilla; Rodriguez; Solis; Veasey.

Present, not voting — Mr. Speaker.

Absent — Allen, A.; Anderson; Crownover; Flores; Goolsby; Hartnett; McClendon; Miller; Oliveira; Raymond; Taylor; Thompson; Vo.

**STATEMENTS OF VOTE**

When Record No. 228 was taken, my vote failed to register. I would have voted yes.

Crownover

When Record No. 228 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

**Amendment No. 17**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 13

Amend **CSSB 1** as follows:

In Article I, add the following language to the appropriately numbered rider under the appropriations to the TruSTeed Programs Within the Office of the Governor (page I-53):

\_\_\_ Local Reporting for Monitors of the Emission of Air Contaminants. From the amounts appropriated above in Strategy A.1.8, Texas Enterprise Fund, the Office of the Governor shall grant monies in the exact amount needed to the Commission on Environmental Quality for local processing and reporting of data from the monitors of the emission of air contaminants of a major source using the definition of major sources as assigned by Title V of the federal Clean Air Act (42 U.S.C. Section 7661).

Representative Chisum moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 229): 107 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Dukes; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdaile; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dunnam; Dutton; Edwards; Escobar; Farrar; Frost; Gallego; Gonzales; Gonzalez Tourelles; Herrero; Hochberg; Jones, J.; Leibowitz; Martinez; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Quintanilla; Raymond; Rodriguez; Solis; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker; Phillips(C).

Absent — Blake; Driver; Eiland; Flores; Goolsby; Hodge; Oliveira.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

### **CSSB 1 - (consideration continued)**

#### **Amendment No. 18**

Representative Martinez Fischer offered the following amendment to **CSSB 1**:

Floor Packet Page No. 15

Amend **CSSB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Trusteed Programs within the Office of the Governor:

\_\_\_\_\_. Out of the funds appropriated above in Strategy A.1.8, Texas Enterprise Fund, at least 20 percent of the total amount appropriated may be used only for grants to recipients with 100 or fewer employees who commit to contribute the recipients' own money to the enterprise for which the grant is made in an amount equal to at least one-third of the amount of the grant and who commit to provide a health benefit plan to the recipients' employees. Of those grants:

(1) at least 50 percent must be made to recipients with not more than 15 employees; and

(2) at least 25 percent must be made to recipients with more than 15 and not more than 50 employees.

Representative Chisum moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 230): 92 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller;



Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Blake; Branch; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Edwards; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Hopson; Jones, J.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Phillips(C).

Absent — Dutton; Flores; Oliveira.

### STATEMENT OF VOTE

When Record No. 230 was taken, my vote failed to register. I would have voted no.

Dutton

#### Amendment No. 19

Representative Swinford offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 16

Amend **CSSB 1**, Article I, on Page I-53 by adding the following appropriately numbered rider to follow the bill pattern of the Trusteed Programs within the Office of the Governor and to read as follows:

\_\_\_\_\_. Appropriation for Grants for Fuel Ethanol and Biodiesel Production. All funds deposited in the fuel ethanol and biodiesel production account are appropriated to the Texas Economic Development and Tourism Office for the purpose of making grants as provided under Chapter 16, Agriculture Code.

Amendment No. 19 was adopted.

#### Amendment No. 20

Representative Thompson offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 17

Amend **CSSB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Trusteed Programs within the Office of the Governor:

\_\_\_\_\_. Out of the funds appropriated above in Strategy A.1.8, Texas Enterprise Fund, \$15 million in state fiscal year 2006 and \$15 million in state fiscal year 2007 may be used only for grants to finance research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation. The research must be conducted with full consideration for the ethical and medical implications of the research.

Amendment No. 20 was withdrawn.

#### Amendment No. 21

Representative Isett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 18

Amend **CSSB 1** by adding the following appropriately numbered rider in Article I of the bill after the appropriation to the Department of Information Resources:

\_\_\_\_\_. Contingency for **HB 1516** or **SB 1547**.

(a) This rider is contingent on the enactment of **HB 1516**, **SB 1547**, or similar legislation by the 79th Legislature, Regular Session, 2005, that becomes law relating to the Department of Information Resources' management of state electronic and telecommunications services.

(b) The Department of Information Resources shall identify projected savings resulting from:

(1) the transfer of information resources, information resources technologies, and related services to the department in relation to the operation of the statewide technology centers; and

(2) the purchase of commodity software, commodity hardware, and other information services.

(c) The Department of Information Resources shall report the projected savings for each affected state agency, by fiscal year and by the major method of finance, to the Legislative Budget Board for certification. On certification by the Legislative Budget Board, the comptroller shall reduce the appropriations to the affected agency by the amount certified.

#### **Amendment No. 22**

Representative Isett offered the following amendment to Amendment No. 21:

Amend Amendment 21 proposed by Representative Isett by striking "Article I of the bill after the appropriation" and substituting "Article XI,".

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

#### **Amendment No. 23**

Representative Dunnam offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 19

Amend **CSSB 1** as follows:

(1) On page I-78, Office of State-Federal Relations, decrease the general revenue appropriation for Goal A, Influence Federal Action, by \$360,000 in Fiscal Year 2006 and \$360,000 in Fiscal Year 2007; and

(2) On page I-80, Veterans Commission, increase the general revenue appropriation for Strategy A.1.1. Claims Assistance by \$360,000 in Fiscal Year 2006 and \$360,000 in Fiscal Year 2007 to ensure veterans, their dependents & survivors receive all due benefits.

(Speaker in the chair)

Representative Berman moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 231): 82 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Luna; Madden; McCall; Merritt; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Blake; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Hupp; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Casteel.

Absent — Flores; Miller; Oliveira.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 231. I intended to vote no.

Merritt

### Amendment No. 24

Representative Chavez offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 21

Amend **CSSB 1** as follows:

(1) On page VII-8, after the appropriations to the Texas Lottery Commission reduce the general revenue appropriation in Strategy A.1.9, Mass Media Advertising, by \$6,464,359 for fiscal year 2006 and \$6,445,125 for fiscal year 2007.

(2) After the appropriations to the Department of Aging and Disability Services add the following rider:

—. Contingency Appropriation: **HB 288**: Personal Needs Allowance. Contingent upon passage of **HB 288**, or similar legislation relating to reinstating the personal needs allowance, by the Seventy-ninth Legislature, Regular Session, the Department of Aging and Disability Services, shall use \$6,464,359 for fiscal year 2006 and \$6,445,125 for fiscal year 2007 to restore the personal needs allowance to \$60 a month.

**Amendment No. 25**

Representative Thompson offered the following amendment to Amendment No. 24:

Amend the Chavez amendment to **CSSB 1** (page 21, prefiled amendments packet) by adding the following at the end of the amendment:

(1) Add the following appropriately numbered rider in Article II of the bill after the appropriations to the Health and Human Services Commission:

\_\_\_ Contingent Appropriation: Personal Needs Allowance. Contingent on the enactment and becoming law of **HB 24**, or similar legislation of the 79th Legislature, Regular Session, 2005, that results in an increase in the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities to at least \$75 and in addition to other amounts appropriated by this Act, the amount of \$30,500,000 is appropriated out of the General Revenue Fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2006, for the purpose of increasing the personal needs allowance to at least \$75, and the additional amount of \$30,500,000 is appropriated out of the General Revenue Fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2007, for the same purpose.

(2) In Article VII, on page VII-8, A.1.9. Mass Media Advertising Contracts, by striking "\$33,000,000" for Year Ending August 31, 2006 and substituting "\$1,000,000" for Year Ending August 31, 2006 and by striking "\$33,000,000" for Year Ending August 31, 2007 and substituting "\$1,000,000" for Year Ending August 31, 2007.

Amendment No. 25 was adopted.

A record vote was requested.

Amendment No. 24, as amended, was adopted by (Record 232): 148 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose;

Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Hope.

#### **Amendment No. 26**

Representative Uresti offered the following amendment to **CSSB 1**:

Floor Packet Page No. 22

Amend **CSSB 1**, Article II, on Page II-28 by adding the following appropriately numbered rider to follow the bill pattern of the Department of Assistive and Rehabilitative Services to read as follows:

\_\_\_\_. Contingency Appropriation for **HB 3235**. Contingent upon enactment of **HB 3235**, or similar legislation relating to providing interpreter services to certain recipients of medical assistance or their parents or guardians, in addition to amounts appropriated above, the Department of Assistive and Rehabilitative Services is hereby appropriated \$487,042 in fiscal year 2006 and \$131,094 in fiscal year 2007. In addition, the Number of Full-Time-Equivalent Positions (FTEs) is hereby increased by 0.5 in fiscal year 2006 and by 0.5 percent in fiscal year 2007.

(Bonnen in the chair)

#### **Amendment No. 27**

Representatives J. Davis and Uresti offered the following amendment to Amendment No. 26:

Amend Amendment 26 proposed by Representative Uresti as follows:

(1) by striking "Article II, on Page II-28" and substituting "Article XI"

(2) by striking each occurrence of "Department of Assistive and Rehabilitative Services" and substituting "Health and Human Services Commission".

(Speaker in the chair)

Amendment No. 27 was adopted.

Amendment No. 26, as amended, was adopted.

#### **Amendment No. 28**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 24

Amend **CSSB 1** as follows:

In Article II, under the appropriations to the Department of Family and Protective Services (page II-35) make the following change:

20. Faith-based Foster Family Recruitment and Training. From funds appropriated above, up to \$500,000 in fiscal year 2006 and up to \$706,000 in fiscal year 2007 shall be used for the purposes of developing and implementing a program to recruit and train foster families from faith-based communities. The

Department shall keep statistics documenting the number of families recruited and trained. The Department will report back to the legislature with such statistics.

Amendment No. 28 was withdrawn.

#### **Amendment No. 29**

Representative Uresti offered the following amendment to **CSSB 1**:

Floor Packet Page No. 23

Amend **CSSB 1**, Article II, on Page II-28 by adding the following appropriately numbered rider to follow the bill pattern of the Department of Assistive and Rehabilitative Services to read as follows:

\_\_\_\_. Contingency Appropriation for **HB 3235**. Contingent upon enactment of **HB 3235**, or similar legislation relating to providing interpreter services to certain recipients of medical assistance or their parents or guardians, in addition to amounts appropriated above, the Department of Assistive and Rehabilitative Services is hereby appropriated \$487,042 in fiscal year 2006 and \$131,094 in fiscal year 2007.

#### **Amendment No. 30**

Representatives J. Davis and Uresti offered the following amendment to Amendment No. 29:

Amend Amendment 29 proposed by Representative Uresti as follows:

(1) by striking "Article II, on Page II-28" and substituting "Article XI"

(2) by striking each occurrence of "Department of Assistive and Rehabilitative Services" and substituting "Health and Human Services Commission".

Amendment No. 30 was adopted.

Amendment No. 29, as amended, was adopted.

#### **Amendment No. 31**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 24

Amend **CSSB 1** as follows:

In Article II, under the appropriations to the Department of Family and Protective Services (page II-35) make the following change:

20. Faith-based Foster Family Recruitment and Training. From funds appropriated above, up to \$500,000 in fiscal year 2006 and up to \$706,000 in fiscal year 2007 shall be used for the purposes of developing and implementing a program to recruit and train foster families from faith-based communities. The Department shall keep statistics documenting the number of families recruited and trained. The Department will report back to the legislature with such statistics.

Amendment No. 31 was adopted.

**Amendment No. 32**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 25

Amend **CSSB 1** as follows:

In Article II, under the appropriations to the Department of Family and Protective Services (page II-36) add the appropriately numbered rider:

\_\_\_\_ Baby Moses Investigations. The Department is not to expend appropriated funds on investigations to ascertain the identity of a parent who voluntarily delivers a child to an appropriate emergency infant care provider unless the Department has reason to believe that physical or sexual abuse has occurred.

Amendment No. 32 was adopted.

**Amendment No. 33**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 27

1) Amend **CSSB 1** as follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (page II-52):

10. Medical Treatment. The Texas Department of Health may distribute funds for medical, dental, psychological or surgical treatment provided to a minor only is consent to treatment is obtained pursuant to Chapter 32 of the Texas Family Code, with the exception of family planning services for minors who have previously been pregnant or have had an infection that may have been caused by sexual activity. In the event that compliance with this rider would result in the loss of Federal Funds to the state, the department may modify or suspend this rider to the extent necessary to prevent such loss of funds, provided that prior approval is obtained from the governor and the Legislative Budget Board.

Amendment No. 33 was withdrawn.

**Amendment No. 34**

Representative Hilderbran offered the following amendment to **CSSB 1**:

Floor Packet Page No. 26

Amend **CSSB 1** (House committee printing), to decrease Strategy B.1.1 (page VIII-1), Indirect Administration, of the State Office of Administrative Hearings by the sum of \$92,220, and increase Strategy C.1.3 (page II-39), Mental Health State Hospitals, of the Department of State Health Services by the sum of \$92,220 in general revenue of the state fiscal year beginning September 1, 2005, to the Kerrville State Hospital for additional security, and shall decrease Strategy B.1.1 (page VIII-1), Indirect Administration, of the State Office of Administrative Hearings by the sum of \$92,220, and increase Strategy C.1.3 (page II-39), Mental Health State Hospitals, of the Department of State Health Services by the sum of \$92,220 in general revenue for the state fiscal year beginning September 1, 2006, to the Kerrville State Hospital for additional security.

Amendment No. 34 was withdrawn.

**Amendment No. 35**

On behalf of Representative Farrar, Representative Veasey offered the following amendment to **CSSB 1**:

Floor Packet Page No. 31

**Amend CSSB 1** as follows:

In Article II, add the following language to the appropriately numbered rider under the appropriations to the Department of Health (page II-52):

\_\_\_ Abstinence-based Sexuality Education. Of the General Revenue funds appropriated in Strategy A.3.2., Abstinence Education, The Department of Health will ensure that agencies receiving such funds will include components in their educational programs that relate to the prevention of teen dating violence and sexual assault. Programs would also have materials available for participants to contact local agencies serving victims of teen dating violence and sexual assault victims.

**Amendment No. 36**

Representative Veasey offered the following amendment to Amendment No. 35:

Make the following change:

In Article II, add the following appropriately numbered rider under the appropriations to the ~~Department of Health~~ Department of State Health Services (page II-52)

Amendment No. 36 was adopted.

Amendment No. 35, as amended, was adopted.

**Amendment No. 37**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 32

Amend **CSSB 1** as follows:

In Article II, add the appropriately numbered rider under the appropriations to the Department of Health (page II-52):

\_\_\_ Abstinence-based Sexuality Education. Of the General Revenue funds appropriated in Strategy A.3.2., Abstinence Education, The Department of Health may contract with agencies or programs that provide abstinence-based sexuality education that includes information about contraception which is age-appropriate and medically accurate.

Representative J. Davis moved to table Amendment No. 37.

The motion to table prevailed.

**Amendment No. 38**

On behalf of Representative Farrar, Representative Veasey offered the following amendment to **CSSB 1**:



Floor Packet Page No. 33

Amend **CSSB 1** as follows:

In Article II, add the following appropriately numbered rider under the appropriations to the Department of Health (page II-52):

\_\_\_\_ Abstinence Education Accountability. The Department of Health shall require that all agencies receiving general revenue funds appropriated in Strategy A.3.2., Abstinence Education, shall report back to the Department on the program's success at reducing the amount of teen pregnancies and sexually transmitted infections.

**Amendment No. 39**

Representative Veasey offered the following amendment to Amendment No. 38:

Make the following change:

In Article II, add the following appropriately numbered rider under the appropriations to the ~~Department of Health~~ Department of State Health Services (page II-52)

Amendment No. 39 was adopted.

**Amendment No. 40**

Representative Hochberg offered the following amendment to Amendment No. 38:

Amend the Farrar amendment to read as follows:

Amend **CSSB 1** as follows:

In Article II, add the following appropriately numbered rider under the appropriations to the Department of Health (page II-52):

\_\_\_\_ Abstinence Education Accountability. The Department of Health shall require that all agencies receiving general revenue funds appropriated in Strategy A.3.2., Abstinence Education, shall report back to the Department on the program's success at reducing the amount of teen pregnancies and sexually transmitted infections. The agencies making such reports shall not use general revenue funds to produce such reports.

Amendment No. 40 was adopted.

**Amendment No. 41**

Representatives Hupp and Eiland offered the following amendment to Amendment No. 38:

Amend Amendment No. 38 to **CSSB 1** by Farrar (amendment packet page 33) by striking the text of the added rider and substituting the following:

\_\_\_\_. **USE OF FUNDS FOR SEXUALITY EDUCATION.** The Department of State Health Services may not use any of the funds appropriated in Strategy A.3.2., Abstinence Education, to provide abstinence education or education relating to contraceptives in a public school.

Amendment No. 41 was withdrawn.

A record vote was requested.

Amendment No. 38, as amended, failed of adoption by (Record 233): 67 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Crownover; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Jones, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Otto; Pitts; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Flynn; Goodman; Griggs; Grusendorf; Guillen; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; Miller; Morrison; Mowery; Nixon; Orr; Paxton; Peña; Phillips; Quintanilla; Reyna; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Davis, J.; Deshotel; McCall; Pickett; Seaman.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 233. I intended to vote yes.

Escobar

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 233. I intended to vote no.

Merritt

I was shown voting yes on Record No. 233. I intended to vote no.

Solomons

### Amendment No. 42

Representative Hilderbran offered the following amendment to **CSSB 1**:

Floor Packet Page No. 26

Amend **CSSB 1** (House committee printing), to decrease Strategy B.1.1 (page VIII-1), Indirect Administration, of the State Office of Administrative Hearings by the sum of \$92,220, and increase Strategy C.1.3 (page II-39), Mental

Health State Hospitals, of the Department of State Health Services by the sum of \$92,220 in general revenue for the state fiscal year beginning September 1, 2005, to the Kerrville State Hospital for additional security, and shall decrease Strategy B.1.1 (page VIII-1), Indirect Administration, of the State Office of Administrative Hearings by the sum of \$92,220, and increase Strategy C.1.3 (page II-39), Mental Health State Hospitals, of the Department of State Health Services by the sum of \$92,220 in general revenue for the state fiscal year beginning September 1, 2006, to the Kerrville State Hospital for additional security.

Amendment No. 42 was withdrawn.

#### **Amendment No. 43**

Representative Hilderbran offered the following amendment to **CSSB 1**:

Floor Packet Page No. 35

Amend **CSSB 1** (House committee printing) in Article II of the bill following appropriations to the Department of State Health Services (page II-63) by adding the following rider, numbered appropriately:

\_\_\_ . Hill Country Community MHMR Center Inpatient Services for Medically Indigent. Of the amount appropriated to the Department of State Health Services in Strategy C.1.3, Mental Health State Hospitals, the Department of State Health Services shall allocate the sum of \$3,112,191 in general revenue for the state fiscal year beginning September 1, 2005, to the Hill Country Community MHMR Center to provide inpatient mental health services for medically indigent patients, and shall allocate the sum of \$3,112,191 in general revenue for the state fiscal year beginning September 1, 2006, to the Hill Country Community MHMR Center to provide inpatient mental health services for medically indigent patients.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

#### **CSSB 1 - (consideration continued)**

#### **Amendment No. 44**

Representative Hilderbran offered the following amendment to Amendment No. 43:

Amend amendment 43 proposed by Representative Hilderbran by striking "Article II" and substituting "Article XI" and by striking "(page II-63)".

Amendment No. 44 was adopted.

Amendment No. 43, as amended, was adopted.

#### **Amendment No. 45**

Representative Naishtat offered the following amendment to **CSSB 1**:

Floor Packet Page No. 30

Amend **CSSB 1**, on Page II-63, Department of State Health Services, by adding a new section as follows and renumbering any remaining sections accordingly:

"Sec. \_\_. A provider receiving a grant of funds appropriated by this Act from federal funds for family planning services shall comply with the Family Planning Policy Manual for federal Titles X and XX promulgated pursuant to general law. The Department shall ensure compliance with the policy manual before disbursing any funds appropriated by this Act to a provider."

Representative Isett moved to table Amendment No. 45.

A record vote was requested.

The motion to table prevailed by (Record 234): 97 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Jones, J.; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Allen, R.; Anderson; Dawson; Driver; Edwards; Flores; Laney; Oliveira.

### STATEMENT OF VOTE

When Record No. 234 was taken, my vote failed to register. I would have voted yes.

R. Allen

### Amendment No. 46

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 34

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider in Article II of the bill after the appropriations to the Department of State Health Services:

\_\_\_\_\_. Use of Appropriated Funds for Call Centers Prohibited. No money appropriated to the Department of State Health Services by this Act may be used to pay for call centers.

(2) Add the following appropriately numbered rider in Article II of the bill after the appropriations to the Health and Human Services Commission:

\_\_\_\_\_. Use of Appropriated Funds for Call Centers Prohibited. No money appropriated to the Health and Human Services Commission by this Act may be used to pay for call centers.

Representative J. Davis moved to table Amendment No. 46.

A record vote was requested.

The motion to table prevailed by (Record 235): 88 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Martinez; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Burnam; Campbell; Castro; Chavez; Coleman; Cook, B.; Davis, Y.; Dukes; Dunnam; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hardcastle; Herrero; Hochberg; Hodge; Homer; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Flores; Hilderbran; Oliveira.

### STATEMENT OF VOTE

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

### Amendment No. 47

Representatives Truitt, Isett, Farabee, and Frost offered the following amendment to **CSSB 1**:

Floor Packet Page No. 36

Amend **CSSB 1**, Article II, by inserting the following appropriately numbered RIDER under the FY 2006-2007 bill pattern for the Department of State Health Services:

\_\_\_\_. Local Service Area Planning Block Grant. Out of the funds appropriated above in Strategy B.2.1, Mental Health Services for Adults and Strategy B.2.2, Mental Health Services for Children, the Department of State Health Services (DSHS) shall enter into a performance agreement with each Mental Health and Mental Retardation Community Center based on priorities identified by the community and expressed in a local service plan.

The performance agreement shall specify outcomes as established in the General Appropriations Act for programs administered by the local authority, and financed by General Revenue funds. Performance related to these outcomes must be verifiable by DSHS. Measures relating to outputs and units of services delivered, which may be included in the performance agreement shall be recorded in the local authority automated data systems. Copies of these reports shall be forwarded to DSHS on a quarterly basis.

DSHS shall report on the effectiveness of the local plan model to the Legislative Budget Board and the Governor by December 31, 2006.

Amendment No. 47 was withdrawn.

**Amendment No. 48**

Representative Isett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 42

Amend **CSSB 1** as follows:

(1) In Article II, in the appropriations to the Health and Human Services Commission (page II-65), strike strategy C.1.2. IMMIGRANT HEALTH INSURANCE and reduce the amount of general revenue funds appropriated in each fiscal year of the biennium to the Health and Human Services Commission accordingly.

(2) Throughout Article II, strike each reference to "Immigrant Health Insurance".

(3) In Article IX, in Section 10.08 (page IX-55), strike the reference to strategy C.1.2. Immigrant Health Insurance.

**Amendment No. 49**

Representative Isett offered the following amendment to Amendment No. 48:

1. Amend Amendment No. 49 proposed by Representative Isett by striking "Article II" and substituting "Article XI" on lines 2 and 7 of the amendment.

2. Strike "(page II-65)" on line 3 of the amendment.

3. Strike lines 9 and 10.

Amendment No. 49 was adopted.

Amendment No. 48, as amended, was adopted. (Herrero and Leibowitz recorded voting no.)

**Amendment No. 50**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 44

Amend **CSSB 1** as follows:

1) On Page II-66, Health and Human Services Commission, under Goal B, Medicaid, Outcome (Results/Impact): Average Medicaid Acute Care Recipient Months Per Month, strike the number "2,991,374" in fiscal year 2006 and insert the number "2,940,374" and strike the number "3,140,841" in fiscal year 2007 and insert the number "3,089,841".

2) On Page II-69, Health and Human Services Commission, by inserting the following new section and by renumbering the remaining sections accordingly:

"Sec. \_\_. Out of the funds appropriated above for Goal B, Medicaid, the Health and Human Services Commission shall transfer funds between Medicaid strategies and, if necessary, between fiscal years to fully restore the Medically Needy Program (estimated to be \$35,000,000 in general revenue) and the optional Medicaid services provided to Medicaid clients prior to September 1, 2003 (estimated to be \$62,355,995 in general revenue)."

Representative Luna moved to table Amendment No. 50.

A record vote was requested.

The motion to table prevailed by (Record 236): 87 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Turner; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Haggerty; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishat; Noriega, M.; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Truitt; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Edwards; Flores; Goolsby; Guillen; Howard; King, T.; McClendon; Oliveira; Pickett.

### STATEMENTS OF VOTE

When Record No. 236 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 236 was taken, I was in the house but away from my desk. I would have voted no.

T. King

#### Amendment No. 51

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 45

Amend **CSSB 1**, Health and Human Services Commission, on Page II-67, Strategy B.2.2. Medicaid Vendor Drug Program by adding the following the efficiency measure:

	"2006	2007
Average Cost per Prescription	—	"

Representative Isett moved to table Amendment No. 51.

A record vote was requested.

The motion to table prevailed by (Record 237): 83 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eissler; Elkins; Flynn; Gattis; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Luna; Madden; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Escobar; Farabee; Farrar; Frost; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hodge; Homer; Hopson; Jackson; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dutton; Edwards; Flores; Gallego; Geren; Goolsby; Guillen; Hartnett; Hochberg; Hughes; Kolkhorst; Laney; McCall; Menendez; Peña; Pickett; Puente; Villarreal.



**STATEMENTS OF VOTE**

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 237 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted no.

Peña

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted no.

Puente

**Amendment No. 52**

Representative Villarreal offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 47

Amend **CSSB 1** by amending Rider 37 Article II relating to the appropriation to the Health and Human Services Commission as follows:

Rider 37. High Performance Bonus for Administration of the Food Stamp Program. High Performance Bonuses are annual incentive payments to state agencies that meet standards for high or most improved performance established by the Secretary of the U.S. Department of Agriculture. The authority to expend high performance bonuses for administrative costs paid in a prior fiscal year is subject to the following conditions:

a. Within 30 days of receiving notice of the state's eligibility for a performance bonus, the Health and Human Services Commission shall notify the Legislative Budget Board and the Governor;

b. At least 45 days prior to budgeting a performance bonus, the Health and Human Services Commission shall provide documentation of the proposed use of these funds to the Legislative Budget Board and the Governor. The report shall identify the impact on established performance targets, measures, and full-time equivalent positions, and shall be prepared in a format specified by the Legislative Budget Board.

c. In the event that the state receives a performance bonus, the Health and Human Services Commission is appropriated all funds received by the agency as Earned Federal Funds (General Revenue) subject to all limitations in this rider and to the following:

(1) ~~a portion~~ at least 15% of these funds, in each year of the biennium, shall be used by the Health and Human Services Commission for the development and operation of a nutrition education and outreach program, or for activities that otherwise improve low-income consumers' access to basic nutrition and healthy foods; and

(2) a portion of these funds, in each year of the biennium, shall be used by the Health and Human Services Commission to provide bonuses to position classifications whose efforts directly contributed to meeting these performance standards, or to position classifications who meet or exceed customer service performance measures developed by the commission, or whose efforts directly contributed to increasing the percentage of eligible persons who receive Food Stamps.

(3) Any High Performance bonus received by the Health and Human Services Commission between June 2, 2005 and August 31, 2005 is hereby appropriated to the commission.

d. Before an employee can be eligible for a bonus, the employee must have been employed in the program for the related twelve months, remains employed in the program, and whose performance meets expectations.

e. The commission has the authority to determine whether employees who have received bonuses under this provision are eligible for merit salary increases during a twelve-month period prior to or after receipt of the bonus.

f. The commission shall prepare annual reports by October 1 of each year of the biennium summarizing the commission's progress in implementing the outreach program required in section (c) and file those reports with the standing committees of the Senate and House of Representatives having primary jurisdiction over health and human services.

Amendment No. 52 was adopted.

### **Amendment No. 53**

Representative Anchia offered the following amendment to **CSSB 1**:

Floor Packet Page No. 50

Amend **CSSB 1** by adding on page II-\_\_ in the bill pattern of the Health and Human Services Commission a rider that reads as follows:

Critical Medicaid Hospital Reimbursement. It is the intent of the legislature that the Health and Human Services Commission may seek the necessary state plan amendments or a waiver for establishing a separate and distinct Medicaid inpatient and outpatient reimbursement methodology for supplementing the rates paid to public hospitals who are critical care providers, as defined by the Health and Human Services Commission that are essential to the Medicaid program. The Commission shall use either a certified public expenditures process or local funds transferred by local government entities as the non-federal share to draw Medicaid federal funds.

Amendment No. 53 was withdrawn.

**Amendment No. 54**

Representative Anchia offered the following amendment to **CSSB 1**:

Floor Packet Page No. 51

Amend House Committee Report on **CSSB 1**, Article II as follows:

1) Under appropriations to the Health and Human Services Commission add the following new rider provision:

**PERINATAL AND PRENATAL CARE.** It is the intent of the Legislature that the Health and Human Services Commission evaluate opportunities to utilize existing resources to improve the provision of perinatal and prenatal care to Medicaid and CHIP eligible clients. The evaluation shall include; a review of relevant federal regulations and policies, identification of strategies to maximize available federal funding sources and an assessment of potential impact upon local public hospitals and other Medicaid/CHIP providers.

The Commission shall report its findings to the Governor, Legislative Budget Board and appropriate substantive committees of the House and Senate.

Amendment No. 54 was adopted.

**Amendment No. 55**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 52

Amend **CSSB 1** as follows:

1. On Page I-46, Trusteed Programs within the Office of the Governor, decrease funding for Strategy A.1.8. Texas Enterprise Fund by \$140,750,000 in general revenue.

2. On Page II-68, Health and Human Services Commission, add the following new section and renumber the remaining sections accordingly:

"Sec. \_\_\_\_\_. Restoration and Expansion of the Children's Health Insurance Program. In addition to the amounts appropriated above for Strategy C.1.1. CHIP, an additional \$140,750,000 is hereby appropriated out of the general revenue fund as the state match for an estimated \$361,678,571 in enhanced federal medical assistance matching funds for an estimated total increase of \$502,678,571 for Strategy C.1.1. CHIP for the 2006–2007 biennium. The Commission may allocate the amount necessary from the increase to conduct comprehensive outreach and education activities to raise public awareness of the availability of the Children's Health Insurance Program."

Representative J. Davis moved to table Amendment No. 55.

A record vote was requested.

The motion to table prevailed by (Record 238): 83 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Griggs; Grusendorf; Hamric; Hardcastle;

Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Haggerty; Hamilton; Herrero; Hochberg; Hopson; Jones, J.; Keel; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Flores; Goolsby; Guillen; Hodge; Menendez; Peña; Pickett; Ritter.

### STATEMENTS OF VOTE

When Record No. 238 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 238 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 238 was taken, I was in the house but away from my desk. I would have voted no.

Peña

When Record No. 238 was taken, I was in the house but away from my desk. I would have voted yes.

Ritter

### Amendment No. 56

Representatives Truitt and Martinez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 53

Amend **CSSB 1**, Article II, by inserting the following appropriately numbered RIDER under the FY 2006–2007 bill pattern for the Health and Human Services Commission:

\_\_\_\_. Air Ambulance Services. Out of funds appropriated above, the Health and Human Services Commission shall conduct a study of air ambulance service rates in Texas and their equivalents to comparable Medicare fee schedules as well

as rates paid in other states under Medicaid services. The Commission shall provide a copy of this report to the Legislative Budget Board and the Governor's Office no later than December 31, 2005. Following the submission of this report and with the consent of the Office of the Governor and the Legislative Budget Board, the Commission shall implement the recommendations of the report and shall amend their Memorandum of Understanding with the Texas Department of Transportation to include air ambulance services within the scope of medical transportation.

Amendment No. 56 was adopted.

**Amendment No. 57**

Representative Dukes offered the following amendment to **CSSB 1**:

Floor Packet Page No. 54

Amend **CSSB 1**, on Page II-83, Health and Human Services Commission, by adding a new section as follows and renumbering any remaining sections accordingly:

"Sec. \_\_. Out of the funds appropriated above, the Commission shall submit necessary application for waiver to the Centers for Medicare and Medicaid Services no later than December 31, 2005 for a five-year demonstration project through the medical assistance program under general law to expand access to preventative health and family planning services for adult women, between the ages of 18-64, who are living at or below 185 percent of the federal poverty level. It is the intent of the Legislature that any waiver obtained by the Commission shall not be used to provide abortion services or require appropriations of general revenue that exceed the cost savings to be realized by the waiver in the first two years of implementation and in future biennia."

Amendment No. 57 was adopted. (Anderson, Berman, Blake, Bohac, B. Cook, R. Cook, Eissler, Elkins, Flynn, Frost, Gattis, Griggs, Hamilton, Hardcastle, Harper-Brown, Hartnett, Hegar, Howard, Hughes, Jackson, B. Keffer, Krusee, Laubenberg, McCall, Nixon, Orr, Otto, Paxton, Phillips, Seaman, Swinford, Taylor, and Zedler recorded voting no.)

**Amendment No. 58**

Representatives Menendez and Straus offered the following amendment to **CSSB 1**:

Floor Packet Page No. 55

Amend **CSSB 1** by adding the following appropriately numbered rider in Article II of the bill after the appropriations to the Health and Human Services Commission:

\_\_\_\_. Umbilical Cord Blood Bank. Out of funds appropriated above, the Health and Human Services Commission shall use up to \$2,300,000 in General Revenue for an unrelated donor umbilical cord blood bank, subject to the following limitations:

a. The entity awarded a grant or contract by the Health and Human Services Commission shall provide local matching funds in an amount equal to funding provided by the Commission. The Comptroller shall certify that an appropriate amount of local matching funds have been made available prior to releasing state funding; and

b. Any unexpended balances of these funds remaining as of August 31, 2006, are appropriated to the Health and Human Services Commission for the fiscal year beginning September 1, 2006 for the same purpose.

#### **Amendment No. 59**

Representatives Menendez and Straus offered the following amendment to Amendment No. 58:

Amend Amendment No. 58 by Menendez to **CSSB 1** (page 55, prefiled amendments packet) as follows:

(1) On page 1, lines 2 and 3, strike "Article II of the bill after the appropriations to the Health and Human Services Commission:" and substitute "Article XI of the bill:"

(2) On page 1, lines 4-6, strike "Out of funds appropriated above, the Health and Human Services Commission shall use up to \$2,300,000 in General Revenue for" and substitute:

The sum of \$1,000,000 is appropriated from general revenue to the Health and Human Services Commission for the state fiscal year starting September 1, 2005, for

Amendment No. 59 was adopted.

Amendment No. 58, as amended, was adopted.

#### **Amendment No. 60**

Representative Y. Davis offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 61

Amend **CSSB 1**, on Page II-83, Health and Human Services Commission by adding the following new section and by renumbering any remaining sections accordingly:

"Sec. \_\_\_. Access to Prescription Drugs for Medicaid Recipients. Out of the funds appropriated above to Strategy B.2.2., Vendor Drug Program, the Department shall not limit the availability or quantity of any legally prescribed drug by a licensed physician on behalf of an eligible Medicaid recipient.

Amendment No. 60 was withdrawn.

#### **Amendment No. 61**

Representative Coleman offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 62

Amend **CSSB 1** on page III-104 of the Texas Department of Health Services Department of Health bill pattern, add the following rider:

"Sec. \_\_. Interagency Coordinating Council for HIV and Hepatitis. The Interagency Coordinating Council for HIV and Hepatitis shall be established with of one representative from each of the following agencies appointed by the executive director or commissioner of each agency:

- (1) the Department of State Health Services
- (2) the Department of Aging and Disability Services;
- (3) the Department of Assistive and Rehabilitative Services;
- (4) the Texas Youth Commission;
- (5) the Texas Department of Criminal Justice;
- (6) the Texas Juvenile Probation Commission;
- (7) the Department of Family and Protective Services;
- (8) the Texas Education Agency;
- (9) the Texas State Board of Medical Examiners;
- (10) the Board of Nurse Examiners;
- (11) the State Board of Dental Examiners;
- (12) the Health and Human Services Commission[;]
- (13) the Texas Workforce Commission.

(e) The representative from the Health and Human Services Commission serves as chairperson of the council.

(f) The council shall meet at least once each quarter on meeting dates set by the council. Each agency that has a representative appointed to the council shall ensure that a representative of the agency attends each meeting of the council.

(h) The council shall:

(1) coordinate communication among the member agencies listed in Subsection (c) concerning each agency's programs in providing service related to AIDS, HIV, and hepatitis; and

(2) develop a plan that facilitates coordination of agency programs based on statistical information regarding the State of Texas for:

(A) prevention of AIDS, HIV infection, and hepatitis; and

(B) provision of services to individuals who have hepatitis or are infected with HIV.

(i) Not later than September 1 of each year, the council shall file a report with the legislature and the governor containing policy recommendations based on statistical information regarding the State of Texas and relating to:

(1) prevention of AIDS, HIV infection, and hepatitis; and

(2) delivery of health services to individuals who have AIDS or hepatitis or are infected with HIV.

(k) The Health and Human Services Commission shall provide administrative support to the council.

(Denny in the chair)

Amendment No. 61 was withdrawn.

#### **Amendment No. 62**

Representative Martinez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 65

Amend **CSSB 1** (House Committee Printing) in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider:

    . GRADUATE MEDICAL EDUCATION IN CERTAIN BORDER AREAS.

a. From amounts appropriated by this Act to the Health and Human Services Commission to support Graduate Medical Education, the commission shall formulate and implement a Medicaid reimbursement methodology for graduate medical education that promotes and encourages residency training programs along the Texas-Mexico border. The methodology shall provide that eligible residency training programs shall be reimbursed for direct medical education (DME) costs in addition to indirect medical education (IME) costs to the same extent as allowed for reimbursement under the Medicare program. An eligible residency training program is not limited with respect to the number of residency training slots for which the program may receive funding.

b. To be eligible for reimbursement under the methodology implemented under this rider, a residency training program must:

- (1) be sponsored by or affiliated with a public university;
- (2) include clinical training of resident physicians:

(A) in a federally qualified health center, as defined by 42 U.S.C. Section 1395x (aa) (4); and

(B) in a hospital that is located within 20 miles of the international border with Mexico;

(3) serve a patient population that includes patients residing in a rural area, as defined by 42 U.S.C. Section 1395ww (d) (2) (D); and

(4) operate in a county in which at least one-third of the population lives in households with incomes at or below federal poverty guidelines, or in a county contiguous to such a county.

**Amendment No. 63**

Representative Luna offered the following amendment to Amendment No. 62:

Amend Amendment No. 62 by Martinez to **CSSB 1** (page 65, prefiled amendments package) by striking lines 2-8 of the amendment and substituting:

XI of the bill by adding the following rider, numbered appropriately, following the Article XI riders concerning the Health and Human Services Commission (page XI-11):

    . GRADUATE MEDICAL EDUCATION IN CERTAIN BORDER AREAS.

a. The sum of \$5 million is appropriated to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2005, for the commission to formulate and implement a Medicaid

Amendment No. 63 was adopted.

Amendment No. 62, as amended, was adopted.



**Amendment No. 64**

Representative Anchia offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 68

Amend **CSSB 1** by adding on page II-\_\_ in the bill pattern of the Health and Human Services Commission a rider that reads as follows:

Unborn Children Health Coverage under Title XXI (CHIP). The Health and Human Services Executive Commissioner may provide unborn children health benefit coverage for mothers not otherwise eligible for Medicaid and include this population as a covered group in the Texas Title XXI State Plan. To be eligible, the pregnant mother of these children must live in Texas and have countable income at or below 200 percent of the federal poverty level. Those made eligible will receive the benefits included in the Title XXI State Plan. Title XXI benefits to unborn children will be financed solely by voluntary contributions using intergovernmental transfers from local government entities and federal matching funds under Title XXI.

**Amendment No. 65**

Representative Anchia offered the following amendment to Amendment No. 64:

1. Amend amendment 64 proposed by Representative Anchia (page 68, amendment packet) by striking "on page II" and substituting "in Article XI."

Amendment No. 65 was adopted.

Amendment No. 64, as amended, was adopted.

**Amendment No. 66**

Representative Isett offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 69

Amend **CSSB 1** (House committee printing) in Article II of the bill following the special provisions relating to all health and human services agencies (page II-104) by adding the following rider, numbered appropriately, and by renumbering subsequent riders accordingly:

\_\_\_\_\_. Equal Opportunity Principles in Contracting for Social Services. The legislature intends that each state agency that contracts with or makes a grant to a nongovernmental entity to provide social services, using money appropriated by this Act, enter the contract or make the grant in a manner that is consistent with the equal opportunity principles and safeguards provided by federal law under 42 U.S.C. Section 604a.

**Amendment No. 67**

Representative Dukes offered the following amendment to Amendment No. 66:

Amend Amendment No. 66 to **CSSB 1** by Isett (page 69, prefiled amendments packet) by adding the following immediately after "42 U.S.C. Section 604a.":

In addition, the legislature intends that state money appropriated by this Act will not be obligated for a contract with a nongovernmental entity to provide direct or indirect social services unless the contract provides the following conditions:

(1) the timeline and schedule for any project or purpose related to the contract remains unchanged;

(2) any anticipated savings to result from entering into the contract must be undiminished;

(3) this state's investment in any asset, including intellectual property, that is a subject of the contract must be protected and the asset and service-oriented architecture must be employed during performance as required by criteria stated in a request for proposals related to the contract; and

(4) no function that the contract specifies the contractor is to perform will be performed by this state unless the relevant state agency has agreed to assume that function after conducting a full analysis of the costs to the state of assuming the function.

Amendment No. 67 was adopted.

#### **Amendment No. 68**

Representative Raymond offered the following amendment to Amendment No. 66:

Amend the Isett Amendment to **CSSB 1** (Floor Packet Page 69) on line 8 between "entity" and "to" by inserting "that possesses all required state and federal licenses, certifications, and other approvals and accreditations".

Representative Isett moved to table Amendment No. 68.

A record vote was requested.

The motion to table prevailed by (Record 239): 87 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Homer; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon;

McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Denny(C).

Amendment No. 66, as amended, was adopted. (Herrero and Leibowitz recorded voting no.)

#### **Amendment No. 69**

Representative Chavez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 37

Amend **CSSB 1** as follows:

(1) On page VII-8, in the appropriations for the Texas Lottery Commission reduce the general revenue appropriation in Strategy A.1.9, Mass Media Advertising, by \$600,000 for fiscal year 2006 and fiscal year 2007.

(2) Following the appropriations to the Department of State Health Services adding the following rider:

\_\_\_\_. El Paso Area Targeted School Drop-Out Prevention: The Department of State Health Services shall allocate \$500,000 each fiscal year of the 2006–2007 biennium to an El Paso area program serving pregnant and parenting teens at risk for dropping out of school. Any unexpended balances out of the appropriation as of August 31, 2006, are hereby appropriated for the fiscal year beginning September 1, 2006, for the same purpose. Funds allocated for these purposes shall not be used for family planning services.

#### **Amendment No. 70**

Representative Chavez offered the following amendment to Amendment No. 69:

Amend the Chavez Amendment No. 69 to **CSSB 1** (page 37, prefiled amendment packet) by striking lines 2-16 of the amendment and substituting the following:

(1) On page V-1, reduce the Strategy C.1.1 general revenue appropriations to the Adjutant General's Department by \$500,000 for each year of the biennium.

(2) Add the following in Article XI following the Article XI items for the Department of State Health Services:

\_\_\_\_. EL PASO AREA TARGETED SCHOOL DROP-OUT PREVENTION. The Department of State Health Services is appropriated \$500,000 out of the general revenue fund each fiscal year of the 2006–2007 biennium to support the operation of an El Paso area program serving pregnant and parenting teens at risk for dropping out of school. Any unexpended balances out of the appropriation as of August 31, 2006, are appropriated for the fiscal year beginning September 1, 2006, for the same purpose. Funds allocated for these purposes may not be used for family planning services.

Amendment No. 70 was adopted.

Amendment No. 69, as amended, was adopted.

**Amendment No. 71**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 61

Amend **CSSB 1**, on Page II-83, Health and Human Services Commission by adding the following new section and by renumbering any remaining sections accordingly:

"Sec. \_\_\_\_\_. Access to Prescription Drugs for Medicaid Recipients. Out of the funds appropriated above to Strategy B.2.2., Vendor Drug Program, the Department shall not limit the availability or quantity of any legally prescribed drug by a licensed physician on behalf of an eligible Medicaid recipient.

**Amendment No. 72**

Representative Y. Davis offered the following amendment to Amendment No. 71:

Amend Amendment No. 71 by Y. Davis to **CSSB 1** (page 61, prefiled amendments packet) by striking "Out of the funds appropriated to Strategy B.2.2., Vendor Drug Program," and substitute:

Out of appropriated interest earned on the Community Hospital Capital Improvement Fund (Small Urban Hospitals),

Amendment No. 72 was withdrawn.

Amendment No. 71 was withdrawn.

**Amendment No. 73**

Representative Veasey offered the following amendment to **CSSB 1**:

Floor Packet Page No. 72

Amend **CSSB 1** as follows:

(1.) On page III-1, Supplemental Appropriations Made in Riders, decrease the amount by \$900,000,000 for Fiscal Year 2006 and by \$900,000,000 for Fiscal year 2007.

(2.) On Page III-2, Strategy B.3.1. Improving Teacher Quality, under the appropriation for the Texas Education Agency, increase the general revenue appropriation for Fiscal Year 2006 by \$900,000,000 and for Fiscal Year 2007 by \$900,000,000.

(3.) On Page III-22, under the appropriation for the Texas Education Agency, insert the following appropriately numbered rider to read as follows:

" \_\_\_\_\_. (a) Out of funds appropriated in Strategy B.3.1., Improving Teacher Quality, the Texas Education Agency shall distribute to each school district, including a school district that is otherwise ineligible for state aid, an amount, as determined by the commissioner, equal to the product of \$3000 multiplied by the number of classroom teachers, full time librarians, full time counselors and full time nurses employed by the district.

(b.) Each school district receiving funds under this section shall ensure that, for the 2005-2006 and 2006-2007 school years, a classroom teacher, full time librarian, full time counselor certified under Subchapter B, Chapter 21, Education Code, or full time nurse is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 or 2006-2007 school year, as applicable under the district's salary schedule for the 2004-2005 school year, if that schedule had been in effect for the 2005-2006 or 2006-2007 school year, including any local supplement and any money representing a career ladder supplement that the employee would have received in the 2005-2006 or 2006-2007 school year; and

(2) \$300."

(4.) On Page III-20, amend Section 81, on line 3, by striking the number "\$3,000,000,000" and inserting the number "\$1,200,000,000."

(Speaker in the chair)

Amendment No. 73 was withdrawn.

#### **Amendment No. 74**

Representative Menendez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 73

Amend **CSSB 1** as follows:

(1.) On page III-1, Supplemental Appropriations Made in Riders, decrease the amount by \$325,000,000 for Fiscal Year 2006 and by \$325,000,000 for Fiscal year 2007.

(2.) On Page III-2, Strategy B.3.1. Improving Teacher Quality, under the appropriation for the Texas Education Agency, increase the general revenue appropriation for Fiscal Year 2006 by \$325,000,000 and for Fiscal Year 2007 by \$325,000.

(3.) On Page III-20, amend Section 81, on line 3, by striking the number "\$3,000,000,000" and inserting the number "\$2,350,000,000."

(4.) On Page III-22, under the appropriation for the Texas Education Agency, insert the following appropriately numbered rider to read as follows:

"\_\_\_\_. Health Insurance for School Employees. For the 2005-2006 school year and each year thereafter, this appropriation shall provide \$1000 for all full time school employees and \$500 for all part time employees to be used as salary or to assist with the cost of health insurance. A school district, including a school district that is otherwise ineligible for state aid, is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$1000 multiplied by the number of full time employees employed by the district and \$500 multiplied by the number of part time employees employed by the district."

#### **Amendment No. 75**

Representative Menendez offered the following amendment to Amendment No. 74:

Amend the Menendez amendment as follows:

Strike Section (4) of the amendment and substitute the following:

'(4) On Page III-7, strike Rider 3, paragraph c and substitute the following:

"c. General Revenue for an annual supplement (pass-through) of \$1,000 for all employees to be used as salary or to assist with the cost of health care."

Amendment No. 75 was adopted.

#### **Amendment No. 74 - Point of Order**

Representative Chisum raised a point of order against further consideration of Amendment No. 74 under the Committee of Calendars Rule adopted on March 30 on the grounds that the amendment increases an item of appropriation but does not contain an equal or greater reduction in appropriation.

The point of order was withdrawn.

Amendment No. 74, as amended, was withdrawn.

#### **Amendment No. 76**

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 75

Amend **CSSB 1** as follows:

(1) On page III-1 of **CSSB 1**, decrease the funding for the Telecommunications Infrastructure Fund No. 345 by \$115,000,000 for fiscal year 2006, and;

(2) On page III-1 of **CSSB 1**, decrease the funding for the Telecommunications Infrastructure Fund No. 345 by \$115,000,000 for fiscal year 2007, and;

(3) On page III-1 of **CSSB 1**, increase the funding for the State Textbook Fund No. 003 in fiscal year 2007 by \$230,000,000.

#### **Amendment No. 77**

Representative Thompson offered the following amendment to Amendment No. 76:

Amend the Gallego amendment to **CSSB 1** (page 75, prefiled amendments packet) by striking lines 2 - 9 and substituting the following:

(1) Add the following appropriately numbered Section to Article IX of the bill:

Sec. \_\_\_\_\_. Telecommunications Infrastructure Fund Appropriations. Notwithstanding any other provisions of this Act, none of the money appropriated by this Act may be appropriated out of the Telecommunications Infrastructure Fund.

(2) Add the following rider at the end of Article XI of the bill:

Replacement For Telecommunications Infrastructure Fund Appropriations. For all appropriations made by this Act out of the Telecommunications Infrastructure Fund, replace the Telecommunications Infrastructure Fund as the method of finance with an equal amount appropriated out of the undedicated portion of the general revenue fund as the method of finance.

Amendment No. 77 was withdrawn.

Amendment No. 76 was withdrawn.

**Amendment No. 78**

Representative Hochberg offered the following amendment to **CSSB 1**:

Floor Packet Page No. 77

Amend **CSSB 1**, Article III, page III-20, Rider 81, under the appropriation for the Texas Education Agency, by inserting the following between "school districts." and "The Legislative Budget Board":

"The increase in general revenue shall not result in a decrease in funds appropriated elsewhere in this bill, except that this does not prohibit neutral swaps in methods of finance."

**Amendment No. 79**

Representative Hochberg offered the following amendment to Amendment No. 78:

Amend the Hochberg amendment to read as follows:

Amend **CSSB 1**, Article III, page III-20, Rider 81, under the appropriation for the Texas Education Agency, by inserting the following between "school districts." and "The Legislative Budget Board":

"The increase in general revenue shall not result in a decrease in funds appropriated elsewhere in this bill, except that this does not prohibit neutral swaps in methods of finance or reductions in funds due to savings resulting from performance review efficiencies or similar governmental efficiencies."

Amendment No. 79 was adopted.

Amendment No. 78, as amended, was adopted.

**Amendment No. 80**

Representatives Menendez, Goolsby, Merritt, D. Jones, T. Smith, and Hamilton offered the following amendment to **CSSB 1**:

Amend **CSSB 1** as follows:

(1.) On page III-1, Supplemental Appropriations Made in Riders, decrease the amount by \$325,000,000 for Fiscal Year 2006 and by \$325,000,000 for Fiscal year 2007.

(2.) On Page III-2, Strategy B.3.1. Improving Teacher Quality, under the appropriation for the Texas Education Agency, increase the general revenue appropriation for Fiscal Year 2006 by \$325,000,000 and for Fiscal Year 2007 by \$325,000.

(3.) On Page III-20, amend Section 81, on line 3, by striking the number "\$3,000,000,000" and inserting the number "\$2,350,000,000."

(4.) On Page III-22, under the appropriation for the Texas Education Agency, insert the following appropriately numbered rider to read as follows:

"\_\_\_\_. Health Insurance for School Employees. For the 2005-2006 school year and each year thereafter, this appropriation shall provide \$1000 for all full time school employees and \$500 for all part time employees to be used as salary or to assist with the cost of health insurance. A school district, including a school

district that is otherwise ineligible for state aid, is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$1000 multiplied by the number of full time employees employed by the district and \$500 multiplied by the number of part time employees employed by the district."

### **Amendment No. 81**

Representative Miller offered the following amendment to Amendment No. 80:

Amend Amendment No. 81 to **CSSB 1** (amendment packet, page 73) as follows:

(1) In Item (4) of the amendment, strike "full time school employees" and "full time employees" and substitute "full time school employees, other than school administrators," and "full time employees, other than school administrators," respectively.

(2) Modify the amounts specified in Items (1), (2), and (3) of the amendment as necessary to reflect the exclusion of school administrators from the scope of the amendment.

Amendment No. 81 was adopted.

Representative Kolkhorst moved to table Amendment No. 80.

A record vote was requested.

The motion to table was lost by (Record 240): 66 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Blake; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Jones, D.; Jones, J.; Keel; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Solis; Strama; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong.

Present, not voting — Mr. Speaker(C).

Absent — Bohac; Puente.



**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 240. I intended to vote no.

Anderson

When Record No. 240 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting yes on Record No. 240. I intended to vote no.

Dawson

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted no.

Puente

A record vote was requested.

The vote of the house was taken on adoption of Amendment No. 80 and the vote was announced yeas 69, nays 74.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 241): 70 Yeas, 73 Nays, 0 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Baxter; Blake; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dawson; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Jones, D.; Jones, J.; Keel; King, T.; Kuempel; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Nays — Mr. Speaker(C); Allen, R.; Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Absent — Bailey; Edwards; Giddings; Luna; McReynolds; Oliveira; Turner.

The speaker stated that Amendment No. 80 failed of adoption by the above vote.

**STATEMENTS OF VOTE**

When Record No. 241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bailey

When Record No. 241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Edwards

When Record No. 241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Giddings

I was shown voting no on Record No. 241. I intended to vote yes.

Hilderbran

When Record No. 241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Luna

When Record No. 241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Oliveira

When Record No. 241 was taken, my vote failed to register. I would have voted yes.

McReynolds

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted yes.

Turner

**Amendment No. 82**

Representative Hochberg offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 78

Amend **CSSB 1**, Article III, page III-20, Rider 81, under the appropriation for the Texas Education Agency, by inserting the following new paragraph:

"If **HB 2** or similar legislation relating to public school finance is not enacted, funds for Strategy A.1.1., FSP-Equalized Operations, shall be increased by \$3,000,000,000. The Commissioner shall increase each school district's allotment in the same manner as described for a reduction in allotments under §42.253."

**Amendment No. 82 - Point of Order**

Representative Grusendorf raised a point of order against further consideration of Amendment No. 82 under the Committee of Calendars Rule adopted on March 30 on the grounds that the amendment increases an item of appropriation but does not contain an equal or greater reduction in appropriation.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 82.

**Amendment No. 83**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 79

Amend **CSSB 1** as follows:

In Article III, add the following language to the appropriately numbered rider under the appropriations to the Texas Education Agency (page III-22):

\_\_\_\_ Non-discrimination Clause. It is the intent of the Legislature that public funds shall not be used by a public educational institution or employee of a public educational institution to discriminate against a student enrolled in that institution on the basis of the ethnicity, color, disability, religion, sexual orientation, gender, or national origin of the student or the student's parent.

Amendment No. 83 was withdrawn.

**Amendment No. 84**

Representative Isett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 80

Amend **CSSB 1** as follows:

(1) In Article III of the bill, following the appropriation to the Texas Education Agency (page III-13), add the following appropriately numbered rider:

\_\_\_\_. Intensive Reading Instruction and English Language Proficiency Pilot Program. From the funds appropriated for the Student Success Initiative and from state and Federal ESL/LEP funds, the Commissioner may set aside \$3 million for establishing an intensive reading instruction and English language proficiency pilot program for schools that have failed to improve student performance in reading and English language proficiency. The pilot program must require the use of neuroscience-based, scientifically validated programs, interventions, or instructional tools that are proven to accelerate learning, cognitive ability, and English language proficiency. The pilot program must provide for participating schools to perform assessments on participating students prior to entering the program, and upon completion of the program to measure improvements in both their reading and English language proficiency. A school identified as eligible to participate in the pilot program shall implement only those interventions, programs, or instructional tools approved by the Commissioner.

(2) In Article XI of the bill, in the supplemental appropriations to the Texas Education Agency (page XI-13), strike the new rider for the intensive reading instruction and English language proficiency pilot program.

Amendment No. 84 was withdrawn.

**Amendment No. 85**

Representative Alonzo offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 81

Amend **CSSB 1** (House Committee Printing) in Article III of the bill, following the appropriations to the Texas Education Agency, by adding the following appropriately numbered rider:

\_\_\_\_. PROGRAM TO ENCOURAGE CERTIFICATION TO TEACH BILINGUAL EDUCATION, ENGLISH AS A SECOND LANGUAGE, OR SPANISH. From funds appropriated above that may be used for instruction or educator training or support in bilingual education, English as a second language, or Spanish, the Texas Education Agency, in consultation with the affected institutions of higher education, shall develop and operate a program to assist students enrolled at institutions of higher education in educator preparation programs in bilingual education, English as a second language, or Spanish by providing financial incentives, such as tuition assistance and loan forgiveness, to encourage those students to become certified to teach bilingual education, English as a second language, or Spanish.

Amendment No. 85 was adopted.

**Amendment No. 86**

Representative Isett offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 82

Amend **CSSB 1** as follows:

(1) In Article III of the bill, in Rider 43 of the appropriation to the Texas Education Agency (page III-13), add the following appropriately numbered subsection to the rider:

( ) Out of the amounts identified above, the Commissioner shall allocate \$500,000 in the 2006-07 biennium to support the purchase of materials and equipment for new science labs in high schools and for professional development for high school science teachers. The Commissioner shall distribute the funds in a manner that best prepares school districts for the requirement of a fourth science credit in the Recommended High School and the Distinguished Achievement programs.

(2) In Article XI of the bill, in the supplemental appropriations to the Texas Education Agency (page XI-13), strike the Rider 43 amendment.

Amendment No. 86 was withdrawn.

**Amendment No. 87**

Representative J. Jones offered the following amendment to **CSSB 1**:

Floor Packet Page No. 83

Amend **CSSB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriations of the Texas Education Agency.

\_\_\_\_. **TEXTBOOKS FOR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS.** The Commissioner shall provide juvenile justice alternative education programs with any instructional materials necessary to support classroom instruction in those programs. The cost of the instructional material shall be covered by State Textbook Funds appropriated above.

#### **Amendment No. 88**

Representative Kolkhorst offered the following amendment to Amendment No. 87:

Amend Amendment No. 87 to **CSSB 1** by Jones of Dallas (page 83, prefiled amendments packet) by striking line 7 of the amendment and substituting the following:

that the Commissioner, in the Commissioner's discretion, determines to be necessary to support classroom instruction in those programs. The

Amendment No. 88 was adopted.

Amendment No. 87, as amended, was adopted.

#### **Amendment No. 89**

Representative Gallego offered the following amendment to **CSSB 1**:

Amend **CSSB 1** as follows:

(1) On page III-40 of **CSSB 1**, increase the funding for the Texas Grant Program - Strategy B.1.9. - by \$140,750,000.00 for the biennium.

(2) On page I-46 of **CSSB 1**, reduce the funding for the Texas Enterprise Fund - Strategy A.1.8. - by \$140,750,000.00.

Amendment No. 89 was withdrawn.

#### **Amendment No. 90**

Representative Herrero offered the following amendment to **CSSB 1**:

Floor Packet Page No. 86

Amend **CSSB 1** as follows:

1. On page III-40, Higher Education Coordinating Board, increase Strategy B.1.9. TEXAS Grant Program by \$59,923,953 out of the general revenue fund in fiscal year 2006 and \$59,923,953 out of the general revenue fund in fiscal year 2007 for an additional 18,726 recipients each year;

2. On page III-40, Higher Education Coordinating Board, increase Strategy B.1.12. TEXAS Grant II Program by \$10,451,047 out of the general revenue fund in fiscal year 2006 and \$10,451,047 out of the general revenue fund in fiscal year 2007; and

3. On page I-46, Trusteed Programs within the Office of the Governor, reduce the general revenue appropriation for Strategy A.1.8. Texas Enterprise Fund by \$140,750,000 in fiscal year 2006.

Representative Branch moved to table Amendment No. 90.

A record vote was requested.

The motion to table prevailed by (Record 242): 91 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Escobar; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hilderbran; Hochberg; Hodge; Jones, J.; Keel; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Swinford; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Pickett.

Absent — Bailey; Edwards; Giddings; Oliveira; Reyna.

### **Amendment No. 91**

Representatives Truitt and Hochberg offered the following amendment to **CSSB 1**:

Floor Packet Page No. 87

#### **PROFESSIONAL NURSING SHORTAGE REDUCTION PROGRAM**

Amend Article III, THECB Bill Pattern as follows:

1. Create a new Strategy D.1.13. Strategy: Professional Nursing Shortage Reduction Program and fund with \$3,000,000 in FY 2006 and \$3,000,000 in FY 2007 by transferring funds as follows:

a. Transfer \$3,000,000 in FY 2006 and \$3,000,000 in FY 2007 to new Strategy D.1.13 (Professional Nursing Shortage Reduction Program) from Article III, THECB Bill Pattern, Strategy E.1.4 (Nursing Enrollment Growth).

2. Add a rider that reads as follows:

\_\_\_\_. The funds appropriated under Strategy D.1.13 for the Professional Nursing Shortage Reduction Program (Sec. 61.9621-.9628, Education Code) are trusted to the Texas Higher Education Coordinating Board to achieve the following outcomes: 1) increasing the number of graduates from professional nursing programs, 2) increasing the percentage of students in professional nursing programs that graduate within a reasonable time as determined by the board, and

3) increasing the number of graduates from master's and doctoral programs in nursing that join the faculty of a professional nursing program. Funds shall only be used to: 1) create additional nurse faculty positions, 2) provide temporary salary supplements for professional nursing faculty, and 3) engage qualified preceptors to expand faculty capacity. "Professional nursing program" has the meaning assigned by Sec. 61.9621, Education Code.

The funds shall be distributed in an equitable manner to institutions based on the increase in the number of graduates over those produced in the preceding fiscal year. Funds appropriated for FY 2006 shall be distributed for increases in the number of graduates produced in FY 2005. Funds appropriated for FY 2007 shall be distributed for increases in the number of graduates produced in FY 2006.

To be eligible for funds, an institution shall submit to the board no later than September 15, its projected increase in graduates from its professional nursing program over the preceding fiscal year unless the board sets a different submission date. A preliminary distribution of a percentage of the appropriated funds for each fiscal year shall be made to institutions by November 1 or 45 days after the board-established date for submission of projected graduates. Final distribution shall be reconciled at the end of each fiscal year based on actual increases achieved.

An institution is eligible to receive funds appropriated for FY 2006 only if it commits for FY 2006 to spend funds on its professional nursing program at least equal to the funds spent in FY 2005 and for funds appropriated for FY 2007 only if it commits for FY 2007 to spend funds equal at least to the funds spent in FY 2006. Funds received under Strategy D.1.13 shall not be included in these calculations.

Five percent of the funds appropriated under Strategy D.1.13 are appropriated for administrative expenses as authorized by Sec. 61.9628, Education Code.

The board shall have the authority to transfer funds from Strategy D.1.8 (Professional Nursing Financial Aid) to Strategy D.1.13 (Professional Nursing Shortage Reduction Program) for the purposes set out in this rider.

Any funds not expended in FY 2006 may be expended in FY 2007.

### **Amendment No. 92**

Representative Kolkhorst offered the following amendment to Amendment No. 91:

Amend Amendment No. 91 by Truitt and Hochberg to **CSSB 1** (pages 87-88, prefiled amendments package), in item 2 of the amendment as follows:

- (1) strike the second and third paragraphs of item 2 of the amendment; and
- (2) substitute for the stricken language:

The funds appropriated shall be distributed in an equitable manner to institutions based on increases in numbers of nursing students graduating.

Amendment No. 92 was adopted.

Amendment No. 91, as amended, was adopted.

**Amendment No. 93**

Representative Naishtat offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 89

Amend **CSSB 1** as follows:

2) On page III-51, Higher Education Coordinating Board, add the following new section and number it accordingly:

"Sec. \_\_. Contingency Appropriation for **HB 3076** and **HJR 96**. Contingent upon enactment of **HB 1979** and adoption of **HJR 96** or similar legislation authorizing the issuance of general obligation bonds for stem cell research, there is hereby appropriated out of the general revenue fund the amount of \$26,550,000 for Fiscal Year 2007. The appropriation authorized in the section may be used by the Higher Education Coordinating Board only for the purpose of paying the principle and interest on debt service payments related to the issuance of bonds for stem cell research."

1) On page I-46, reduce the general revenue appropriation for Fiscal Year 2006 for Strategy A.1.8. Texas Enterprise Fund by \$26,550,000.

**Amendment No. 94**

Representative Naishtat offered the following amendment to Amendment No. 93:

Amend Amendment No. 93 to **CSSB 1** as follows:

2) On page III-51, Higher Education Coordinating Board, add the following new section and number it accordingly:

"Sec \_\_. Contingency Appropriation for **HB 3076** and **HJR 96**. Contingent upon enactment of **HB ~~1979~~ 3076** and adoption of **HJR 96** or similar legislation authorizing the issuance of general obligation bonds for stem cell research, there is hereby appropriated out of the general revenue fund the amount of \$26,550,000 for Fiscal Year 2007. The appropriation authorized in the section may be used by the Higher Education Coordinating Board only for the purpose of paying the ~~principle~~ principal and interest on debt service payments related to the issuance of bonds for stem cell research."

1) On page I-46, reduce the general revenue appropriation for Fiscal Year 2006 for Strategy A.1.8. Texas Enterprise Fund by \$26,550,000.

Amendment No. 94 was adopted.

Amendment No. 93, as amended, was withdrawn.

**Amendment No. 95**

Representative A. Allen offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 74

Amend **CSSB 1**, as follows:

1. On Page III-1, Texas Education Agency, under Method of Financing, General Revenue Fund, State Textbook Fund No. 003, estimated, strike the number "329,057,832" and insert the number "707,057,832" in lieu thereof;



2. On Page III-1, increase the appropriation for Strategy A.1.1. FSP-Equalized Operations by \$378,000,000 in Fiscal Year 2006 to bring the total appropriation for textbooks to \$707,057,832;

3. On Page III-20, amend Section 81, on line 3, strike the number "\$3,000,000,000" and insert the number "\$2,622,000,000".

### **Amendment No. 96**

Representative A. Allen offered the following amendment to Amendment No. 95:

Amend the Allen Amendment by striking the text of the amendment and substituting the following:

1. In the Method of Finance on page III-1, increase State Textbook Fund 003 by \$378,000,000 in fiscal year 2006

2. On page III-1, increase the appropriation in Strategy A.1.1, Foundation School Program-Equalized Operations by \$378,000,000 in fiscal year 2006

3. On page III-20, amend Rider 81 by striking "\$3,000,000,000" and replacing it with "\$2,622,000,000."

Amendment No. 96 was adopted.

Representative McClendon moved to table Amendment No. 95.

A record vote was requested.

The motion to table prevailed by (Record 243): 84 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen, R.; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chavez; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goolsby; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Casteel; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Hamilton; Herrero; Hochberg; Hodge; Homer; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Bailey; Baxter; Edwards; Eiland; Goodman; Madden; McCall; Menendez; Pickett.

### STATEMENTS OF VOTE

When Record No. 243 was taken, I was in the house but away from my desk. I would have voted no.

Baxter

I was shown voting yes on Record No. 243. I intended to vote no.

Flores

I was shown voting yes on Record No. 243. I intended to vote no.

Guillen

I was shown voting yes on Record No. 243. I intended to vote no.

Hopson

### Amendment No. 97

Representative Gallego offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 75

Amend **CSSB 1** as follows:

(1) On page III-1 of **CSSB 1**, decrease the funding for the Telecommunications Infrastructure Fund No. 345 by \$115,000,000 for fiscal year 2006, and;

(2) On page III-1 of **CSSB 1**, decrease the funding for the Telecommunications Infrastructure Fund No. 345 by \$115,000,000 for fiscal year 2007, and;

(3) On page III-1 of **CSSB 1**, increase the funding for the State Textbook Fund No. 003 in fiscal year 2007 by \$230,000,000.

(J. Keffer in the chair)

### Amendment No. 98

Representative Thompson offered the following amendment to Amendment No. 97:

Amend the Gallego amendment to **CSSB 1** (page 75, prefiled amendments packet) by striking lines 2 - 9 and substituting the following:

(1) Add the following appropriately numbered Section to Article IX of the bill:

Sec. \_\_\_\_\_. Telecommunications Infrastructure Fund Appropriations. Notwithstanding any other provisions of this Act, none of the money appropriated by this Act may be appropriated out of the Telecommunications Infrastructure Fund.

(2) Add the following rider at the end of Article XI of the bill:

Replacement For Telecommunications Infrastructure Fund Appropriations. For all appropriations made by this Act out of the Telecommunications Infrastructure Fund, replace the Telecommunications Infrastructure Fund as the method of finance with an equal amount appropriated out of the undedicated portion of the general revenue fund as the method of finance.

(Speaker in the chair)

Representative P. King moved to table Amendment No. 98.

A record vote was requested.

The motion to table prevailed by (Record 244): 80 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Hartnett; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Casteel; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Haggerty; Hamilton; Harper-Brown; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; King, T.; Laney; Laubenberg; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Hilderbran; Kolkhorst; McClendon; Truitt.

### STATEMENTS OF VOTE

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

I was shown voting yes on Record No. 244. I intended to vote no.

Escobar

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

**REMARKS BY REPRESENTATIVE HAGGERTY**

REPRESENTATIVE HAGGERTY: Members, I just wanted to apologize to you for being stupid, and I support you 100 percent.

**REMARKS ORDERED PRINTED**

Representative P. King moved to print remarks by Representative Haggerty.

The motion prevailed.

Representative Turner moved to table Amendment No. 97.

A record vote was requested.

The motion to table prevailed by (Record 245): 88 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Merritt; Miller; Morrison; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Burnam; Casteel; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Allen, A.; Bailey; Dutton; Goolsby; Griggs; Krusee; Mowery; Nixon; Noriega, M.; Oliveira; Olivo; Peña.

**STATEMENTS OF VOTE**

When Record No. 245 was taken, I was in the house but away from my desk. I would have voted no.

A. Allen

When Record No. 245 was taken, my vote failed to register. I would have voted yes.

Bailey

I was shown voting yes on Record No. 245. I intended to vote no.

Flores

When Record No. 245 was taken, my vote failed to register. I would have voted no.

M. Noriega

When Record No. 245 was taken, my vote failed to register. I would have voted no.

Olivo

#### **Amendment No. 99**

Representative Naishtat offered the following amendment to **CSSB 1**:

Floor Packet Page No. 89

Amend **CSSB 1** as follows:

2) On page III-51, Higher Education Coordinating Board, add the following new section and number it accordingly:

"Sec. \_\_. Contingency Appropriation for **HB 3076** and **HJR 96**. Contingent upon enactment of **HB 1979** and adoption of **HJR 96** or similar legislation authorizing the issuance of general obligation bonds for stem cell research, there is hereby appropriated out of the general revenue fund the amount of \$26,550,000 for Fiscal Year 2007. The appropriation authorized in the section may be used by the Higher Education Coordinating Board only for the purpose of paying the principle and interest on debt service payments related to the issuance of bonds for stem cell research."

1) On page I-46, reduce the general revenue appropriation for Fiscal Year 2006 for Strategy A.1.8. Texas Enterprise Fund by \$26,550,000.

#### **Amendment No. 100**

Representative Naishtat offered the following amendment to Amendment No. 99:

Amend Amendment 99 proposed by Representative Naishtat by striking "Article III" and substituting "Article XI".

Amendment No. 100 was adopted.

Amendment No. 99, as amended, was adopted. (Anderson, Berman, Blake, Bohac, Chisum, B. Cook, R. Cook, Corte, Dawson, Flynn, Frost, Gattis, Griggs, Hamilton, Harper-Brown, Hegar, Hughes, Jackson, B. Keffer, Laubenberg, Orr, Otto, Phillips, Paxton, Seaman, Talton, and Zedler recorded voting no.)

#### **Amendment No. 101**

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 90

Amend **CSSB 1** (House Committee Printing) in Article III of the bill, following the appropriations to the Texas Higher Education Coordinating Board, by adding the following appropriately numbered rider:

\_\_\_\_\_. \_\_\_\_\_ PROGRAM TO ENCOURAGE CERTIFICATION TO TEACH BILINGUAL EDUCATION, ENGLISH AS A SECOND LANGUAGE, OR SPANISH. Of the funds appropriated above that may be used for this purpose, the Higher Education Coordinating Board may use an amount that is not less than \$150,000 for each year of the state fiscal biennium ending August 31, 2007, to develop and operate a program at the University of North Texas System Center at Dallas, in consultation with the university, to provide financial incentives, such as tuition assistance and loan forgiveness, to encourage students who enroll in an educator preparation program at the university to become certified to teach bilingual education, English as a second language, or Spanish.

Amendment No. 101 was adopted.

**Amendment No. 102**

Representative F. Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No. 91

Amend **CSSB 1** as follows:

(1) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board, insert the following appropriately numbered rider:

\_\_\_\_\_. Chiropractic Colleges. In addition to any other amounts appropriated by this Act to the Higher Education Coordinating Board, the amount of \$250,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2006, and the amount of \$250,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2007, to the Higher Education Coordinating Board to contract with Texas Chiropractic College for the purpose of preparation or instruction of Texas resident undergraduate chiropractic students as doctors of chiropractic.

(2) In Article V of the bill, in the Article V appropriations to the Department of Criminal Justice, Goal C: Incarcerate Felons, reduce the appropriation for Strategy C.1.10, Contracted Temporary Capacity (page V-10), by \$250,000 for the fiscal year ending August 31, 2006, and by \$250,000 for the fiscal year ending August 31, 2007.

(3) In Article V, following the appropriations to the Department of Criminal Justice, in Rider 71 (pages V-22-V-23), make the following changes:

(A) in the third paragraph, strike \$8,097,872 both times it occurs and substitute \$7,972,872;

(B) in the fourth paragraph, strike \$11,752,857 both times it occurs and substitute \$11,627,857;

(C) in the fifth paragraph, strike \$17,312,870 both times it occurs and substitute \$17,187,870; and

(D) in the sixth paragraph, strike \$26,501,672 and substitute \$26,376,672.

(4) Conform totals and methods of financing appropriately.

**Amendment No. 103**

Representative F. Brown offered the following amendment to Amendment No. 102:

Amend Amendment No. 102 proposed by Representative Fred Brown by striking "Article III" and substituting "Article XI".

Amendment No. 103 was adopted.

Amendment No. 102, as amended, was adopted. (Herrero and Leibowitz recorded voting no.)

**Amendment No. 104**

Representative Morrison offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 93

Amend **CSSB 1** as follows:

(1) On page III-107, University of Houston - Victoria, add a new strategy under Goal C to and adjust totals accordingly:

	2006	2007
C.4.1. Strategy: Small Business Development Center	195,500	195,500

(2) On page III-237 add the following at the end of Section 55(d):

	2006	2007
University of Houston-Victoria	195,500	195,500

(3) On page III-237 in Section 55(d) adjust the total for the Lead Center to:

	2006	2007
University of Texas-San Antonio	3,179,898	3,179,898

(4) On page III-72, University of Texas at San Antonio, Goal C, adjust the total to:

	2006	2007
Strategy C.3.1. Small Business Development Center	3,179,898	3,179,898

Amendment No. 104 was adopted. (Leibowitz recorded voting no.)

**Amendment No. 105**

Representative Thompson offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 94

Amend **CSSB 1** (House Committee Printing) as follows:

(1) in Article III, on page III-118, D.1.1. Strategy: OCR Priority Plan, by striking "\$10,390,625" for Year Ending August 31, 2006 and substituting "\$14,715,887" for Year Ending August 31, 2006 and by striking "\$10,390,625" for Year Ending August 31, 2007 and substituting "\$14,715,886" for Year Ending August 31, 2007;

(2) in Article VII, on page VII-8, A.1.9. Mass Media Advertising Contracts, by striking "\$33,000,000" for Year Ending August 31, 2006 and substituting "\$28,674,738" for Year Ending August 31, 2006 and by striking "\$33,000,000" for Year Ending August 31, 2007 and substituting "\$28,674,739" for Year Ending August 31, 2007; and,

(3) in Article XI, on page XI-36, Texas Southern University, by striking Additional Funding for Office of Civil Rights.

Amendment No. 105 was withdrawn.

#### **Amendment No. 106**

Representative Swinford offered the following amendment to **CSSB 1**:

Floor Packet Page No. 99

Amend **CSSB 1**, Art III-232, Special Provisions Relating Only to State Agencies of Higher Education, Sec. 39. A&M Service Agencies' Infrastructure as follows:

Strike #2. Included in the appropriations for the A&M Service Agencies...

Add the following language as appropriate:

Funds identified as Infrastructure Support Outside Brazos County for the Texas Agricultural Experiment Station, Texas Cooperative Extension, Texas Forest Service, and the Texas Veterinary Medical Diagnostic Laboratory are to be applied to each agency's infrastructure needs for facilities located outside of Brazos County under the Texas Higher Education Coordinating Board's recommended formula for the A&M service agencies' infrastructure outside Brazos County.

Amendment No. 106 was adopted.

#### **Amendment No. 107**

Representative Chisum offered the following amendment to **CSSB 1**:

Floor Packet Page No. 100

Amend **CSSB 1** in Article III, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered rider:

Sec. \_\_\_\_\_. **DISPLAY AND AVAILABILITY OF HEALTH INFORMATION.** No funds appropriated by this Act to an institution of higher education, as defined by Section 61.003, Education Code, may be expended to support a student health center or similar facility that displays or makes available to students pamphlets, brochures, or similar printed matter relating to health issues unless the health center or facility displays and makes available to students in the same manner copies of the current edition of the brochure entitled "A Woman's Right to Know" published by the Texas Department of Health.

#### **Amendment No. 108**

Representative Corte offered the following amendment to Amendment No. 107:



Amend Amendment No. 107 by Chisum (page 100, prefiled amendments packet) by striking lines 5-13 and substituting:

The legislature intends that an institution of higher education, as defined by Section 61.003, Education Code, that spends appropriated money to support a student health center or similar facility that displays or makes available to students pamphlets, brochures, or similar printed material relating to health issues, will make available to female students copies of the current edition of the brochure published by the Department of State Health Services entitled "A Woman's Right to Know."

Amendment No. 108 was adopted. (Dukes, Leibowitz, and Rose recorded voting no.)

Amendment No. 107, as amended, was adopted. (Dukes, Leibowitz, and Rose recorded voting no.)

#### **Amendment No. 109**

Representative F. Brown offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 101

Amend **CSSB 1** (House Committee Printing) in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Limitation on Formula Funding Contact and Semester Credit Hours. It is the intent of the Legislature to control costs and limit general revenue formula appropriations to institutions of higher education by excluding contact hours or semester credit hours related to a course for which a student is generating formula funding for the third time from being counted in the hours reported by the Higher Education Coordinating Board to the Legislative Budget Board for formula funding.

#### **Amendment No. 110**

Representative F. Brown offered the following amendment to Amendment No. 109:

Amend Amendment No. 109 by Brown (page 101, prefiled amendment packet) by adding the following immediately after the final line of the text of the amendment:

Contingent on the passage and becoming law of **HB 20** or similar legislation, money saved by the limitation described by this section and the amount of money for funding not provided for semester credit hours over 45 credit hours of a degree program are appropriated to fund the summer school pilot program for Texas A&M University established under **HB 20** or similar legislation for the state fiscal year beginning September 1, 2005.

Amendment No. 110 was adopted.

Amendment No. 109, as amended, was adopted.

**Amendment No. 111**

Representative F. Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No. 102

Amend **CSSB 1** (House Committee Printing) in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Report Concerning Designated Tuition. (a) Not later than January 1, 2007, the governing board of each public institution of higher education that charges students designated tuition under Section 54.0513, Education Code, shall report to the legislature, for the 2004-2005 and 2005-2006 academic years:

(1) the amount the institution has collected in designated tuition;

(2) the purposes for which the institution spent the money derived from designated tuition and the amount of that money spent for each of those purposes; and

(3) the amount set aside from designated tuition for resident undergraduate and graduate student assistance under Sections 56.011 and 56.012, Education Code.

**Amendment No. 112**

Representative Gallego offered the following amendment to Amendment No. 111:

Amend the amendment to **CSSB 1**. (amendment package, page 102) as follows:

(1) On the last line of the introductory language, strike "section" and substitute "sections."

(2) Following the last line of the amendment, insert the following:

Sec. \_\_\_\_\_. Resident Student Assistance Money. An institution of higher education shall spend, for resident undergraduate and graduate student financial assistance, as applicable, all of the money that the institution sets aside under Sections 56.011 and 56.012, Education Code. The money must be spent for that purpose in the academic year in which that money is set aside.

Amendment No. 112 was withdrawn.

Amendment No. 111 was adopted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Human Services posted for 8 a.m. tomorrow has been postponed until tomorrow upon adjournment for a public hearing.

**CSSB 1 - (consideration continued)****Amendment No. 113**

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet No. 103

Amend **CSSB 1** (House Committee Printing) in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Limitation on Expenditure of Appropriated Tuition and Fees.

(a) An institution of higher education may not expend any revenue appropriated by this Act derived from tuition and compulsory fees charged to any student of the institution for any academic period of the 2005-2006 academic year to the extent that the amount of that revenue derived from that student exceeds 103 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(b) An institution of higher education may not expend any revenue appropriated by this Act derived from tuition and compulsory fees charged to any student of the institution for any academic period of the 2006-2007 academic year to the extent that the amount of that revenue derived from that student exceeds 106 percent of the total amount of such tuition and compulsory fees that a similarly situated student would have paid for the corresponding academic period of the 2004-2005 academic year.

(c) For purposes of this section, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition and compulsory fees charged to the student.

(d) This section applies only to increased revenue received on a per student basis. This section does not restrict the expenditure of increased revenue to the extent that the increase in revenue is due to an increase in the number of students.

#### **Amendment No. 114**

Representative Gallego offered the following amendment to Amendment No. 113:

Amend Amendment No. 113 by Gallego to **CSSB 1** (page 103, prefiled amendments) as follows:

(1) Strike page 1, lines 5 through 21, and substitute the following:

Sec. \_\_\_\_\_. Limitation on Expenditure of Appropriated Funds. (a) An institution of higher education may not spend money appropriated by this Act for the state fiscal year beginning September 1, 2005, to conduct the educational programs of the institution if in the 2005-2006 academic year the institution charges any student of the institution tuition under Section 54.0513, Education Code, in an amount in excess of 103 percent of the amount of tuition charged to a similarly situated student in the 2004-2005 academic year.

(b) An institution of higher education may not spend money appropriated by this Act for the state fiscal year beginning September 1, 2006, to conduct the educational programs of the institution if in the 2006-2007 academic year the institution charges any student of the institution tuition under Section 54.0513, Education Code, in an amount in excess of 103 percent of the amount of tuition charged to a similarly situated student in the 2005-2006 academic year.

(2) Strike page 1, line 27, through page 2, line 1.

Amendment No. 114 was adopted.

Representative Turner moved to table Amendment No. 113.

A record vote was requested.

The motion to table prevailed by (Record 246): 78 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Edwards; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Burnam; Campbell; Casteel; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, D.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Hill; Hughes; Jones, J.; King, T.; McClendon; Straus; Taylor.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 246. I intended to vote no.

Flores

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

T. King

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

I was shown voting yes on Record No. 246. I intended to vote no.

T. Smith

When Record No. 246 was taken, I was temporarily out of the house chamber. I would have voted yes.

Straus

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### PARLIAMENTARY INQUIRY

REPRESENTATIVE VILLARREAL: Mr. Speaker?

MR. SPEAKER: Mr. Villarreal, for what purpose?

VILLARREAL: Parliamentary inquiry.

MR. SPEAKER: State your inquiry.

VILLARREAL: What is the meaning of an intent rider?

MR. SPEAKER: It's expression of legislative interest.

VILLARREAL: Is it a binding requirement?

MR. SPEAKER: No.

VILLARREAL: Is the intent rider of Amendment 107 a binding requirement?

MR. SPEAKER: We're going to have to look at it, but generally an intent rider is not binding. You'd have to bring it down front and let the parliamentarian look.

VILLARREAL: One last question, Mr. Speaker. It is my understanding that if this were a binding requirement, it would represent an amendment to general law and therefore would violate Rule 8, Section 4. Is this a correct understanding?

MR. SPEAKER: A rider that would amend general law would violate the Rules, Mr. Villarreal.

### REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks between Speaker Craddick and Representative Villarreal.

The motion prevailed.

### Amendment No. 115

Representative Goodman offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 106

Amend **CSSB 1** on page IV-23 of the bill by striking rider 14 and substituting the following:

14. ACTUAL INNOCENCE PROJECTS. Out of amounts appropriated above in Strategy A.2.1, Indigent Defense, \$500,000 in each year of the biennium from the General Revenue-Dedicated Fair Defense Account No. 5073 shall be used by the Task Force on Indigent Defense to contract with The University of Texas at Arlington and the law schools at the University of Houston, The University of Texas, Texas Tech University, and Texas Southern University for

innocence projects. It is the intent of the Legislature that the amount of each contract with each university shall be \$100,000. Any unexpended balances in the \$500,000 in funds designated for innocence projects as of August 31, 2006, are hereby appropriated to Strategy A.2.1, Indigent Defense for the same purpose for the fiscal year beginning September 1, 2006.

#### **Amendment No. 116**

Representative Keel offered the following amendment to Amendment No. 115:

Amend Amendment No. 115 to **CSSB 1** by Goodman (page 106, prefiled amendments packet) by striking lines 2 through 16 and substituting "rider 14."

Amendment No. 116 was adopted.

Amendment No. 115, as amended, was adopted.

#### **Amendment No. 117**

Representative Gallego offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 110

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered rider to Article V of the bill after the appropriations to the Adjutant General's Department:

\_\_\_\_. CONTINGENCY APPROPRIATION FOR **HB 2691**. Contingent upon the enactment of **HB 2691** or similar legislation by the 79th Legislature, Regular Session, 2005, that becomes law, the amount of \$5,000,000 is appropriated to the Adjutant General's Department out of the general revenue fund for the state fiscal biennium beginning September 1, 2005, for the purpose of implementing any of the purposes of that legislation.

(2) In Article I of the bill, in the general revenue fund appropriations to the Trusteed Programs within the Office of the Governor, in the Strategy A.1.8 appropriations to the Texas Enterprise Fund (house committee printing, page I-46), strike "\$140,750,000" and substitute "\$135,750,000".

(3) Adjust totals and methods of financing accordingly.

#### **Amendment No. 118**

Representative Gallego offered the following amendment to Amendment No. 117:

Amend Amendment 117 proposed by Representative Gallego by striking "Article V" and substituting "Article XI".

Amendment No. 118 was adopted.

Amendment No. 117, as amended, was adopted. (Anderson recorded voting no.)

#### **Amendment No. 119**

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 111

Amend **CSSB 1** as follows:

In Article V, add the following appropriately numbered rider under the appropriations to the Alcoholic Beverage Commission (page V-9):

\_\_\_\_ Compliance and Monitoring. The Texas Alcoholic Beverage Commission is authorized to raise the fees for beer and wine retailers on-site permits and retailer's on-site permits to \$1,000 for an original application and \$500 for each renewal of such application if the establishment or proposed establishment is located in a primarily residential area as defined by Section 244.001 of the Local Government Code. The Commission shall allocate additional funds for compliance and monitoring activities.

**Amendment No. 120**

Representative Farrar offered the following amendment to Amendment No. 119:

Amend Amendment No. 119 to **CSSB 1** by Farrar (page 111, prefiled amendments packet), in the first line of the proposed rider, by striking "The Texas Alcoholic Beverage Commission" and substituting "It is the intent of the legislature that the Texas Alcoholic Beverage Commission".

Amendment No. 120 was adopted.

Representative Turner moved to table Amendment No. 119.

A record vote was requested.

The motion to table prevailed by (Record 247): 102 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Rose; Seaman; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farrar; Frost; Gallego; Gonzales; Goodman; Herrero; Hochberg; Howard; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Quintanilla; Ritter; Rodriguez; Smith, T.; Solis; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Bailey; Isett; Taylor.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 247. I intended to vote no.

Gonzalez Toureilles

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### Amendment No. 121

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 112

Amend **CSSB 1** as follows:

In Article V, add the following appropriately numbered rider under the appropriations to the Alcoholic Beverage Commission (page V-9):

\_\_\_ Region 3 Residential Task Force. The Texas Alcoholic Beverage Commission is authorized to raise the fees for beer and wine retailers on-site permits and retailer's on-site permits to \$1,000 for an original application and \$500 for each renewal of such application if the establishment or proposed establishment is located in a primarily residential area as defined by Section 244.001 of the Local Government Code. The Commission shall expend such funds to create a task force in Region 3. Activities of the task force may include increased enforcement of permit violations in residential areas, coordination with local law enforcement and studying the problems encountered by residential areas with high concentrations of beer and wine and beer-only on-site permits.

### Amendment No. 122

Representative Farrar offered the following amendment to Amendment No. 121:

Amend Amendment No. 121 to **CSSB 1** by Farrar (page 112, floor amendment packet) in the first line of the proposed rider by striking "The Texas Alcoholic Beverage Commission" and substituting "It is the intent of the legislature that the Texas Alcoholic Beverage Commission".

Amendment No. 122 was adopted.

Representative Turner moved to table Amendment No. 121.

A record vote was requested.

The motion to table prevailed by (Record 248): 96 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett;



Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Rose; Seaman; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Anchia; Anderson; Burnam; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Escobar; Farrar; Frost; Gallego; Gonzales; Goodman; Herrero; Hochberg; Hopson; Howard; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Quintanilla; Ritter; Rodriguez; Smith, T.; Solis; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Castro; Deshotel; Flores; Giddings; Gonzalez Toureilles; Guillen; Luna; Menendez; Peña; Turner.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 248. I intended to vote no.

Alonzo

When Record No. 248 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 248 was taken, my vote failed to register. I would have voted no.

Gonzalez Toureilles

When Record No. 248 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 248 was taken, I was in the house but away from my desk. I would have voted no.

Peña

### Amendment No. 123

Representative Grusendorf offered the following amendment to **CSSB 1**:

Floor Packet Page No. 113

#### Overview

The following motion would transfer operation of the Windham School District from the Texas Education Agency to the Texas Department of Criminal Justice. All associated riders and measures for both agencies would be revised accordingly.

Required Action

1) Make the following adjustments:

Page	Agency	Action	2006	2007
III-2	Texas Education Agency	<del>B.2.4, Windham School District</del>	<del>54,691,246</del>	<del>54,691,246</del>
V-10	Texas Department of Criminal Justice	<del>C.2.6, Windham School District</del>	<del>54,691,246</del>	<del>54,691,246</del>

2) Reduce General Revenue appropriations to the Texas Education Agency by \$54,691,246 in each year of the 2006-07 biennium and increase appropriations to the Texas Department of Criminal Justice by a like amount.

3) In the Texas Education Agency bill pattern, on pages III-7 strike Rider 6, Windham Schools and on page III-15 strike Rider 53, Windham School District Priorities and reinsert them on page III-26 of the bill pattern for the Department of Criminal Justice.

4) Modify other riders in the Texas Education Agency and in the Texas Department of Criminal Justice as appropriate to reflect the fiscal transfer.

5) Transfer and modify as appropriate performance measures in the Texas Education Agency and in the Texas Department of Criminal Justice to reflect the fiscal transfer.

(Crownover in the chair)

Amendment No. 123 was withdrawn.

**Amendment No. 124**

Representative R. Allen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 114

Amend **CSSB 1** as follows:

(1) On page V-10, in the Texas Department of Criminal Justice's bill pattern, decrease the General Revenue Fund appropriation in Strategy C.2.1, Texas Correctional Industries, by \$1,524,842 in fiscal year 2006 and \$1,524,843 in fiscal year 2007.

(2) On page V-10, in the Texas Department of Criminal Justice's bill pattern, increase the Private Sector Prison Industry Expansion Account No. 5060 appropriation (General Revenue - Dedicated) in Strategy C.2.1, Texas Correctional Industries, by \$1,524,842 in fiscal year 2006 and \$1,524,843 in fiscal year 2007.

**Amendment No. 125**

Representative Haggerty offered the following amendment to Amendment No. 124:

Amend **CSSB 1** as follows:

(1) On page V-10, in the Texas Department of Criminal Justice's bill pattern, decrease the General Revenue Fund appropriation in Strategy C.2.1, Texas Correctional Industries, by \$1,524,842 in fiscal year 2006 and \$1,524,843 in fiscal year 2007.

(2) On page V-10, in the Texas Department of Criminal Justice's bill pattern, increase the Private Sector Prison Industry Expansion Account No. 5060 appropriation (General Revenue - Dedicated) in Strategy C.2.1, Texas Correctional Industries, by \$1,524,842 in fiscal year 2006 and \$1,524,843 in fiscal year 2007.

Amendment No. 125 was adopted. (Branch, Flynn, Hopson, Hunter, McReynolds, and Zedler recorded voting no.)

Amendment No. 124, as amended, was adopted.

#### **Amendment No. 126**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 115

Amend **CSSB 1**, Article V, Department of Criminal Justice, as follows:

1. On page V-11, Strategy A.1.1. Basic Supervision, add the following efficiency measure: "Average monthly caseload".
2. On page V-12, Strategy E.2.1, Parole Supervision, add the following efficiency measure: "Average monthly caseload".

Amendment No. 126 was adopted.

#### **Amendment No. 127**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 117

Amend **CSSB 1**, on page V-26, Department of Criminal Justice, by striking rider #87 in its entirety.

Amendment No. 127 was withdrawn.

#### **Amendment No. 128**

Representative Hochberg offered the following amendment to **CSSB 1**:

Floor Packet Page No. 118

Amend **CSSB 1**, Article V, on page V-52, under the appropriation for the Texas Department of Public Safety, by adding a new rider appropriately numbered to read as follows:

\_\_\_\_. Out of funds appropriated above in Strategy B.1.1., Driver License and Records, and any other funds available for this purpose, the Department of Public Safety shall make driver's license tests available in any language for which significant numbers of test takers are currently bringing personal interpreters.

**Amendment No. 129**

Representative Hochberg offered the following amendment to Amendment No. 128:

Amend Amendment No. 128 proposed by Representative Hochberg by striking the following:

~~"\_\_\_\_. Out of funds appropriated above in Strategy B.1.1, Driver License and Records, and any other funds available for this purpose, the Department of Public Safety shall make driver's license tests available in any language for which significant numbers of test takers are currently bringing personal interpreters."~~

And substituting the following:

"\_\_\_\_. Driver's License Pilot Program. Out of funds appropriated above in Strategy B.1.1, Driver License and Records, and any other funds available for this purpose, the Department of Public Safety shall establish a pilot program in Harris County to make driver's license tests available in any language for which significant numbers of test takers are currently bringing personal interpreters."

Amendment No. 129 was adopted.

(Speaker in the chair)

**Amendment No. 128 - Point of Order**

Representative Nixon raised a point of order against further consideration of Amendment No. 128 under Rule 8, Section 4 of the House Rules on the grounds that the amendment changes general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 128.

**Amendment No. 130**

Representative Rodriguez offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 123

Amend **CSSB 1** (House Committee Printing) by amending Rider 20 following the appropriations to the Texas Department of Agriculture (page VI-6) by adding the following text:

\_\_\_\_. The Texas Health and Human Services Commission shall provide on a quarterly basis data on children certified for food stamps to the Texas Department of Agriculture. The Texas Department of Agriculture shall use this information to update quarterly for independent school districts a list of students who are eligible based on their receipt of food stamps to be directly certified for the School Lunch and Breakfast programs.

Amendment No. 130 was adopted. (Howard recorded voting no.)

**Amendment No. 131**

Representative Pickett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 124

Amend **CSSB 1** in Article VI, in the Texas Parks and Wildlife Department bill pattern, by adding the following appropriately numbered rider:

\_\_\_\_\_. Reallocation of Funds to Local Park Grants. Included in funds appropriated above in Strategy B.2.1, Local Park Grants, are federal funds in each fiscal year for providing grants to local parks. In the event that federal funds are not available or fall short of appropriated amounts for this purpose in the 2006-07 biennium, out of funds appropriated above the Texas Parks and Wildlife Department is directed to reallocate funds from other strategies to replace federal funds appropriated for local park grants.

#### **Amendment No. 132**

Representative Pickett offered the following amendment to Amendment No. 131:

Amend the Pickett Amendment to **CSSB 1** (page 124 of prefiled amendments) by striking lines 5-13 and substituting:

\_\_\_\_\_. REALLOCATION OF FUNDS TO LOCAL PARK GRANTS. To the extent savings result from restructuring Parks and Wildlife Department bonds, an amount equal to the difference in debt service that results from the restructuring is appropriated to the Parks and Wildlife Department for the state fiscal biennium beginning September 1, 2005, to provide local park grants under Strategy B.2.1.

Amendment No. 132 was adopted.

#### **Amendment No. 133**

Representative Dutton offered the following amendment to Amendment No. 131:

Amend the amendment by Pickett amending **CSSB 1**, (Prefiled Amendments to **CSSB 1**, page 124) by adding the following appropriately numbered Section immediately after the last line:

SECTION \_\_\_\_\_. Amend **CSSB 1** in Article VI of the bill following appropriations to the Parks and Wildlife Department (page VI-33) by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

\_\_\_\_\_. INNER CITY PARK. Out of money appropriated by this Act for Strategy B.2.1, Local Park Grants, the department shall use not less than \$750,000 for creating a park in an inner-city area.

Representative Pickett moved to table Amendment No. 133.

The motion to table prevailed.

Amendment No. 131, as amended, was adopted.

#### **Amendment No. 134**

Representative B. Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No.125

Amend **CSSB 1** in Article VI appropriations to the Animal Health Commission (page VI-8) as follows:

(1) Strike Riders 4 and 5.

(2) Add the following appropriately numbered rider:

\_\_\_\_. Contingency To Increase The Full-Time-Equivalents (FTE) Cap For Federally Funded Programs. Contingent upon the receipt of federal funds above those appropriated in this Act for programs related to animal identification or surveillance, control, or eradication of animal health pests or diseases, the Texas Animal Health Commission is hereby authorized to increase its number of FTEs to the extent of federal funds allocated for salary costs. An FTE described by this rider is not counted towards the cap of the agency's number of FTE positions and is terminated on the expiration of federal funds for the position.

The Texas Animal Health Commission shall report all additional FTEs authorized by this provision to the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor prior to filling a position described by this rider.

(3) Renumber the remaining riders as appropriate.

Amendment No. 134 was withdrawn.

#### **Amendment No. 135**

Representative Chisum offered the following amendment to **CSSB 1**:

Floor Packet Page No. 126

Amend **CSSB 1** as follows:

In Article VI, on page VI-19, appropriations for the Texas Commission on Environmental Quality, insert the following additional rider:

\_\_\_\_. It is the policy of the legislature that appropriations to the commission are for timely and lawful enforcement of state and federal law regarding the disposal of hazardous waste. Accordingly, the appropriations under C.1.2. Enforcement & Compliance Support are contingent on a requirement that any hazardous waste that is or has been deposited, commingled with non-hazardous waste, and stored at a non-hazardous waste landfill must be removed and transported, by a complete and unaltered hazardous waste manifest that identifies the original generator prior to any commingling, to a permitted treatment, storage and disposal facility at the generator's expense for treatment and disposal as hazardous waste in accordance with the federal land disposal restrictions.

Amendment No. 135 was withdrawn.

#### **Amendment No. 136**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 127

Amend Article VI, **CSSB 1** (House Committee Printing) by inserting the following appropriately-numbered Rider to the appropriation for the Texas Commission on Environmental Quality as follows and renumbering subsequent Riders accordingly:

\_\_\_\_. **TESTING FOR MERCURY CONTAMINATION.** Out of the amounts appropriated above in Strategy A.1.2 (Water Assessment and Planning), \$750,000 in FY 2006 and \$750,000 in FY 2007 shall be used for the purpose of testing for mercury contamination of the waters of this State by the testing of the tissue of fish and shellfish living in State waters. The Commission should give priority to testing bodies of fresh water and salt water that have not previously been tested for mercury contamination by any state or federal agency, but where the is probable cause that mercury contamination may have occurred. The Commission shall share the results of the testing with the Department of State Health Services for purposes of considering the appropriate warnings to the public of found mercury contamination that the Department is authorized by general law to issue.

**Amendment No. 136 - Point of Order**

Representative Chisum raised a point of order against further consideration of Amendment No. 136 under Rule 8, Section 4 of the House Rules on the grounds that the amendment changes general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 136.

**Amendment No. 137**

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 128

Amend **CSSB 1** in Article VI of the bill by adding the following appropriately numbered rider after the appropriations to the General Land Office and Veterans' Land Board:

\_\_\_\_. Use of Appropriated Funds for Sale or Lease of Water to Private Companies Prohibited. No money appropriated to the General Land Office or Veterans' Land Board by this Act may be used to take any action in relation to:

(1) leasing the right to produce groundwater from state land to an individual or private entity; or

(2) facilitating a water marketing initiative of an individual or a private entity.

Amendment No. 137 was withdrawn.

**Amendment No. 138**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 129

Amend **CSSB 1**, as follows:

1. On Page VI-1, Parks and Wildlife Department, increase the appropriation out of the general revenue fund for Strategy B.2.1. Local Park Grants by \$2,887,143 in Fiscal Year 2006 and \$2,887,143 in Fiscal Year 2007; and

2. On Page I-11, Office of the Attorney General amend Section 22 as follows:

22. Contingency Appropriation for **HB 1979**. Contingent upon enactment of **HB 1979**, or similar legislation relating to increasing the bond review fee as authorized by Government Code 1202.004, in addition to amounts appropriated above, the Office of the Attorney General is hereby appropriated to Strategy A.1.1., Legal Services, [~~\$4,815,499~~] \$1,928,356 in fiscal year 2006 and [~~\$4,865,062~~] \$1,977,919 in fiscal year 2007. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 31.0 in fiscal year 2006 and by 34.0 in fiscal year 2007 for the following purposes:

~~[\$2,887,143 in fiscal year 2006 and \$2,887,143 in fiscal year 2007 for salary increases for legal staff.]~~

\$263,919 in fiscal year 2006 and \$379,866 in fiscal year 2007 for the Open Records Division, including 6 FTEs in fiscal year 2006 and 9 FTEs in fiscal year 2007;

\$915,620 in fiscal year 2006 and \$915,620 in fiscal year 2007 for the Cyber Crimes Unit, including 16 FTEs each fiscal year of the biennium; and

\$748,817 in fiscal year 2006 and \$682,433 in fiscal year 2007 for the Post Conviction Litigation Division, including 9 FTEs each fiscal year of the biennium.

In addition and subject to passage of **HB 1979** or similar legislation relating to increasing the bond review fee as authorized by Government Code, 1202.004, the Office of the Attorney General is hereby appropriated to Strategy D.1.1., Medicaid Investigation, \$694,381 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2006 and \$694,309 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2007, for Medicaid fraud investigations. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 62.7 FTEs each fiscal year of the biennium.

Amendment No. 138 was withdrawn.

#### **Amendment No. 139**

Representative Y. Davis offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 129

Amend **CSSB 1**, as follows:

1. On Page VI-1, Parks and Wildlife Department, increase the appropriation out of the general revenue fund for Strategy B.2.1. Local Park Grants by \$2,887,143 in Fiscal Year 2006 and \$2,887,143 in Fiscal Year 2007; and

2. On Page I-11, Office of the Attorney General amend Section 22 as follows:

22. Contingency Appropriation for **HB 1979**. Contingent upon enactment of **HB 1979**, or similar legislation relating to increasing the bond review fee as authorized by Government Code 1202.004, in addition to amounts appropriated



above, the Office of the Attorney General is hereby appropriated to Strategy A.1.1., Legal Services, [~~\$4,815,499~~] \$1,928,356 in fiscal year 2006 and [~~\$4,865,062~~] \$1,977,919 in fiscal year 2007. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 31.0 in fiscal year 2006 and by 34.0 in fiscal year 2007 for the following purposes:

~~[\$2,887,143 in fiscal year 2006 and \$2,887,143 in fiscal year 2007 for salary increases for legal staff];~~

\$263,919 in fiscal year 2006 and \$379,866 in fiscal year 2007 for the Open Records Division, including 6 FTEs in fiscal year 2006 and 9 FTEs in fiscal year 2007;

\$915,620 in fiscal year 2006 and \$915,620 in fiscal year 2007 for the Cyber Crimes Unit, including 16 FTEs each fiscal year of the biennium; and

\$748,817 in fiscal year 2006 and \$682,433 in fiscal year 2007 for the Post Conviction Litigation Division, including 9 FTEs each fiscal year of the biennium.

In addition and subject to passage of **HB 1979** or similar legislation relating to increasing the bond review fee as authorized by Government Code, 1202.004, the Office of the Attorney General is hereby appropriated to Strategy D.1.1., Medicaid Investigation, \$694,381 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2006 and \$694,309 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2007, for Medicaid fraud investigations. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 62.7 FTEs each fiscal year of the biennium.

Amendment No. 139 was withdrawn.

#### **Amendment No. 140**

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 130

Amend **CSSB 1** as follows:

On page 33, Article VI, Parks and Wildlife Department, add the appropriately numbered section;

Section     : Gratuities Accepted by Employees:

An employee of the State Parks Division of the Texas Parks and Wildlife Department may accept a gratuity if:

(1) the employee serves food and beverages as a primary job duty in a restaurant, cafeteria, or other food service establishment within a State Park owned and operated by the Texas Parks and Wildlife Department;

(2) the gratuity is offered by a customer of the restaurant, cafeteria, or other food service establishment in appreciation for the service of food or beverages;

(3) the employee served food or beverages to the customer offered the gratuity;

(4) the employee has been designated by the Texas Parks and Wildlife Department as being authorized to receive a gratuity; and,

(5) the employee reports the gratuity in accordance with requirements established by the Texas Parks and Wildlife Department.

Amendment No. 140 was withdrawn.

**Amendment No. 141**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 132

Amend **CSSB 1** on Page VII-18, Goal B, Transportation Construction, Percent of Construction Projects Completed on Time, by striking the number "74%" in fiscal year 2006 and inserting the number "81.47%" and by striking the number "74%" in fiscal year 2007 and inserting the number "82%".

Amendment No. 141 was adopted.

(Krusee in the chair)

**Amendment No. 142**

Representative Pickett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 134

Amend Article VII, **CSSB 1** as follows:

(1) On Page VII-26, insert the following appropriately numbered rider and renumber any subsequent riders accordingly:

"\_\_\_. State Transportation Improvement Program - Accountability Report. For each fiscal year in the biennium, the Texas Department of Transportation shall provide a report, with results statewide by district, on the percentage of projects listed in the State Transportation Improvement Program (STIP) that were let on or before the letting date provided in the STIP.

Amendment No. 142 was adopted.

**Amendment No. 143**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 133

Amend **CSSB 1**, in Article VII of the bill, by adding the following appropriately numbered rider following the appropriation to the Texas Department of Transportation:

"\_\_\_. Efficiency Review by Legislative Budget Board. It is the intent of the legislature that the Texas Department of Transportation, pursuant to the department's authority under Chapter 771, Government Code, use an appropriate portion of the funds appropriated to the department by this Act to contract with the Legislative Budget Board to perform an effectiveness and efficiency review of the department's policies relating to the use of state money and determine whether the department's proposed use of toll facilities to generate revenue is necessary for the department to meet the transportation infrastructure needs of this state. It is the intent of the legislature that the Legislative Budget Board complete the review and report the results of the review to the governor and the legislature not later than January 1, 2007.

Amendment No. 143 was withdrawn.

**Amendment No. 144**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 136

Amend **CSSB 1**, Article VII, Department of Transportation, on Page VII-26, by adding the following new section:

"Sec. \_\_. Verification of Revenue for Debt Service on Texas Mobility Fund Bonds. Prior to the issuance of any bonds to fund the \$1,919,560,001 appropriated by this Act out of the Texas Mobility Fund, the Department shall obtain a written verification from the Comptroller of Public Accounts that the revenue pledged by the Department to support the bonds is in compliance with state law governing the Texas Mobility Fund and that the revenue is sufficient to support the principle and interest payments on the debt."

Amendment No. 144 was adopted.

**Amendment No. 145**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 133

Amend **CSSB 1**, in Article VII of the bill, by adding the following appropriately numbered rider following the appropriation to the Texas Department of Transportation:

\_\_. Efficiency Review by Legislative Budget Board. It is the intent of the legislature that the Texas Department of Transportation, pursuant to the department's authority under Chapter 771, Government Code, use an appropriate portion of the funds appropriated to the department by this Act to contract with the Legislative Budget Board to perform an effectiveness and efficiency review of the department's policies relating to the use of state money and determine whether the department's proposed use of toll facilities to generate revenue is necessary for the department to meet the transportation infrastructure needs of this state. It is the intent of the legislature that the Legislative Budget Board complete the review and report the results of the review to the governor and the legislature not later than January 1, 2007.

**Amendment No. 146**

Representative Coleman offered the following amendment to Amendment No. 145:

Amend Floor Amendment No. 145 on page 133 of the packet, on line 17 after the word "2007." Add the following: "Prior to the release of the Legislative Budget Board review and report, no funds, fees, or other revenue sources may be used to: (a) impose a toll on any portion of a state highway or roadway that did not have a toll in effect on or before January 1, 2005; or (b) to implement the plan for the Trans-Texas Corridor."

**AMENDMENT NO. 146 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BAXTER: So, Mr. Coleman, is it your testimony that in fact this amendment would not cut down the Trans-Texas Corridor, that in fact it's an unaccountability amendment?

REPRESENTATIVE COLEMAN: That's correct. It would not stop the Trans-Texas Corridor. There would be an efficiency review to make sure that is what is set up as the Trans-Texas Corridor, that we understood everything there was to understand about it, and if that efficiency moved forward. So, no, it's not designed to kill the Trans-Texas Corridor—I don't think anybody could do that—but it's designed so that we have the knowledge necessary for moving forward.

BAXTER: So, as opposed to the way it was portrayed by the previous speaker, you're really just offering us an amendment that would allow some accountability for a mega, mega state project that has really very limited accountability measures.

COLEMAN: That's correct, and there is no intent to affect the things that have been done here in Travis County based on their local interests, but before we move forward I think we have some better understanding about the use of tolls and then the effect of the Trans-Texas Corridor across the state, both in rural, urban, and other areas because of the massive pieces of this project.

BAXTER: Well, in your attempt to get better accountability, is this a direct result of comments that you have received from constituents? I've had three e-mails today raising issues about accountability of this proposed system.

COLEMAN: Yes, there have been issues about accountability. And what I would like to do now is ask people to vote no on the motion to table this amendment because I think it gives everyone an opportunity to take a deep breath, take a look at this program, make sure that it moves forward in a way that we all can be proud of and that works well for the State of Texas. And, again, this has no impact on the Austin area stuff because it doesn't deal with those tolls. They are already under way.

BAXTER: Maybe we can hold these huge, mega contractors to the same level of accountability that we accuse children of.

(Speaker in the chair)

Amendment No. 146 was adopted.

Representative Krusee moved to table Amendment No. 145.

A record vote was requested.

The motion to table prevailed by (Record 249): 90 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Gonzales;

Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Reyna; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farrar; Flores; Gallego; Giddings; Goodman; Hegar; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; King, T.; Kolkhorst; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Thompson; Turner; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker(C); Baxter.

Absent — Edwards; Frost; Gonzalez Toureilles; Guillen; Hughes; McClendon; Riddle.

### STATEMENTS OF VOTE

When Record No. 249 was taken, I was in the house but away from my desk. I would have voted no.

Gonzalez Toureilles

When Record No. 249 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 249. I intended to vote no.

Hilderbran

When Record No. 249 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

### Amendment No. 147

Representative Martinez offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 137

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Department of Transportation:

\_\_\_\_\_. TAMAULIPAS OFFICE. Out of the funds appropriated above in Strategy E.1.4., Regional Administration, an amount not to exceed \$250,000 shall be used by the Department of Transportation to establish, through use of a nonprofit corporation that is experienced in transportation and is headquartered in a county of this state adjacent to the Mexican state of Tamaulipas, an office

representing the department in Ciudad Victoria, Tamaulipas, to facilitate relations between this state and the state of Tamaulipas on transportation and tourism issues and any other issue within the jurisdiction of the department.

**Amendment No. 148**

Representative Chisum offered the following amendment to Amendment No. 147:

Amend the A. Martinez Amendment to **CSSB 1** (prefiled amendments page 137) as follows:

(1) On lines 2-3 strike "Article VII of the bill after the appropriations to the Department of Transportation" and substitute "Article XI of the bill following the items for the Department of Transportation".

(2) On line 4, strike "above" and substitute "to the Department of Transportation".

**REMARKS ORDERED PRINTED**

Representative Baxter moved to print remarks between Representative Coleman and Representative Baxter.

The motion prevailed.

Amendment No. 148 was adopted.

Amendment No. 147, as amended, was adopted.

**Amendment No. 149**

Representative Gallego offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 138

Amend **CSSB 1** as follows:

On page 26, Article VII, Texas Department of Transportation, add the appropriately numbered section:

Section \_\_: PRESIDIO INTERNATIONAL BRIDGE:

The Department of Transportation is authorized to sell or convey the Presidio International Bridge to the City of Presidio and the County of Presidio. Such sale or conveyance must comply with all state and federal rules governing such a transaction.

Amendment No. 149 was withdrawn.

**Amendment No. 150**

Representative Farrar offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 139

Amend **CSSB 1** as follows:

In Article VII, under the appropriations to the Department of Transportation (page VII-25) insert the following appropriately numbered rider:

\_\_\_\_Water Impact Study. Any funds utilized for highway transportation projects must include as a component of the environmental study a water impact study that includes an analysis of the alterations of the local drainage patterns and the impact to the local water supply.

Representative Chisum moved to table Amendment No. 150.

A record vote was requested.

The motion to table prevailed by (Record 250): 89 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Blake; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Morrison; Naishtat; Oliveira; Olivo; Peña; Puente; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Baxter; Edwards; Flores; Menendez; Noriega, M.; Rose.

### STATEMENTS OF VOTE

When Record No. 250 was taken, I was in the house but away from my desk. I would have voted yes.

Baxter

I was shown voting yes on Record No. 250. I intended to vote no.

Hunter

I was shown voting no on Record No. 250. I intended to vote yes.

T. King

When Record No. 250 was taken, I was in the house but away from my desk. I would have voted no.

Rose

**Amendment No. 151**

Representative Villarreal offered the following amendment to **CSSB 1**:

Floor Packet Page No. 142

Amend **CSSB 1** by adding the following appropriately numbered rider in Article VII after the appropriations to the Texas Workforce Commission by amending to add the following:

**RESTRICTIONS ON USE OF CERTAIN DEDICATED CHILD CARE FUNDS.** To the extent the state is required to dedicate more than four percent of the amount of federal child care development funds for the purposes provided by 42 U.S.C. Section 9858e, the commission, unless otherwise required by federal law, shall ensure that any amount of the dedicated funds in excess of four percent:

(1) is disbursed to boards for activities and initiatives that improve the quality of child care; and

(2) is not used for the direct provision of child care.

**Amendment No. 152**

Representative Villarreal offered the following amendment to Amendment No. 151:

Amend Amendment No. 151 by Villarreal to **CSSB 1** (page 142, prefiled amendments packet) by striking lines 1-2 and substituting the following:

Amend **CSSB 1** (House Committee Printing) by adding the following appropriately numbered rider to Article XI of the bill following the provisions for the Texas Workforce Commission:

Amendment No. 152 was adopted.

Amendment No. 151, as amended, was adopted.

**Amendment No. 153**

Representative Villarreal offered the following amendment to **CSSB 1**:

Floor Packet Page No. 143

Amend **CSSB 1** under the appropriations to the Texas Workforce Commission by amending \_\_\_\_\_ to add the following language at the end:

In an effort to increase the numbers of individuals in Texas who are gainfully employed as well as maximize federal funds available to the state at the state and local levels, promotion of the federal Earned Income Tax Credit (EITC) program for recipients of Temporary Assistance for Needy Families (TANF) shall be funded out of funds appropriated above. The Texas Workforce Commission shall expend \$500,000 for the biennium of these funds for a matching grant program. Local collaborations—which may include United Ways, foundations, community- and faith-based organizations, cities, and/or counties—shall receive a 1:1 match of up to \$25,000 per year. One collaboration shall receive funding per local workforce development board area per year. Local projects shall promote the importance of work and assist in determining the eligibility of



potential recipients in addition to the promotion of the tax credit. Nothing in this rider precludes the expenditure of general revenue dollars on EITC promotion to the extent such dollars are available.

#### **Amendment No. 154**

Representative Villarreal offered the following amendment to Amendment No. 153:

Amend Amendment No. 153 proposed by Representative Mike Villarreal by:

1) striking "Amend **CSSB 1** under the appropriations to the Texas Workforce Commission by amending \_\_\_\_\_ to add the following language at the end:" and substituting "On page XI-71, add the following rider language:" and

2) striking and substituting the following:

~~In the effort to increase the numbers of individuals in Texas who are gainfully employed as well as maximize federal funds available to the state at the state and local levels, promotion of the federal Earned Income Tax Credit (EITC) program for recipients of Temporary Assistance for Needy Families (TANF) shall be funded out of funds appropriated above. The Texas Workforce Commission shall expend \$500,000 for the biennium of these funds for a matching grant program. Local collaborations which may include United Ways, foundations, community and faith based organizations, cities, and/or counties shall receive a 1:1 match of up to \$25,000 per year. One collaboration shall receive funding per local workforce development board area per year. Local projects shall promote the importance of work and assist in determining the eligibility of potential recipients in addition to the promotion of the tax credit. Nothing in this rider precludes the expenditure of general revenue dollars on EITC promotion to the extent such dollars are available.~~

Contingency for **HB 1995**. Contingent upon the enactment of **HB 1995**, or similar legislation by the Seventy-ninth Legislature, Regular Session, 2005, relating to a grant program to encourage investment of federal earned income tax credit funds, and in the effort to increase the numbers of individuals in Texas who are gainfully employed as well as maximize federal funds available to the state at the state and local levels, promotion of the federal Earned Income Tax Credit (EITC) program for recipients of Temporary Assistance for Needy Families (TANF) shall be funded out of funds appropriated above. The Texas Workforce Commission shall expend \$500,000 for the biennium of these funds for a matching grant program. Local collaborations—which may include United Ways, foundations, community- and faith-based organizations, cities, and/or counties—shall receive a 1:1 match of up to \$25,000 per year. One collaboration shall receive funding per local workforce development board area per year. Local projects shall promote the importance of work and assist in determining the eligibility of potential recipients in addition to the promotion of the tax credit. Nothing in this rider precludes the expenditure of general revenue dollars on EITC promotion to the extent such dollars are available.

Amendment No. 154 was adopted.

Amendment No. 153, as amended, was adopted.

**Amendment No. 155**

Representative Burnam offered the following amendment to **CSSB 1**:

Floor Packet Page No. 145

Amend **CSSB 1** in Article VIII of the bill, following the appropriation to the Texas Department of Insurance (page VIII-27), by inserting the following appropriately numbered rider:

\_\_\_\_\_. It is the intent of the legislature that the Texas Department of Insurance, out of the funds appropriated above, make expenditures necessary to create or maintain a website and publish printed promotional materials that encourage insurance consumers to comparison shop by providing those consumers the information they need to be informed consumers.

Amendment No. 155 was adopted.

**Amendment No. 156**

Representative Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 146

Amend **CSSB 1** (House Committee Printing) in Article VIII of the bill, on pages VIII-64 through VIII-65, by striking the appropriations and riders for the Residential Construction Commission.

Representative Swinford moved to table Amendment No. 156.

A record vote was requested.

The motion to table prevailed by (Record 251): 97 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Luna; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Escobar; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Herrero; Hochberg; Hodge; King, T.; Laubenberg; Leibowitz;

Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Raymond; Riddle; Rodriguez; Solis; Thompson; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Bailey; Bonnen; Chavez; Edwards; Geren; Jones, J.; Keffer, B.; Menendez; Merritt; Truitt; Turner; Villarreal.

### STATEMENTS OF VOTE

When Record No. 251 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

When Record No. 251 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

### Amendment No. 157

Representative Farrar offered the following amendment to **CSSB 1**:

Floor Packet Page No. 147

Amend **CSSB 1** as follows:

In Article VIII, under the appropriations to the Residential Construction Commission (page VIII-65) insert the appropriately numbered rider:

\_\_ Consumer Fees. It is the intent of the legislature that the Commission shall not charge a fee to consumers for the filing of a complaint with the Commission.

Representative Swinford moved to table Amendment No. 157.

A record vote was requested.

The motion to table prevailed by (Record 252): 89 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McReynolds; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Wong; Woolley.

Nays — Allen, A.; Alonzo; Anchia; Davis, Y.; Dukes; Dutton; Escobar; Farrar; Flores; Giddings; Gonzalez Toureilles; Herrero; Hochberg; Jones, J.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Solis; Solomons; Turner; Uresti; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Bohac; Bonnen; Burnam; Castro; Chavez; Coleman; Deshotel; Dunnam; Edwards; Gallego; Geren; Gonzales; Haggerty; Hodge; King, T.; Menendez; Merritt; Mowery; Oliveira; Talton; Thompson; Veasey; Villarreal; Zedler.

### STATEMENTS OF VOTE

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

Edwards

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

Hodge

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

T. King

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

When Record No. 252 was taken, my vote failed to register. I would have voted yes.

Zedler

### Amendment No. 158

Representative Farrar offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 148

Amend **CSSB 1** as follows:

In Article VIII, under the appropriations to the Residential Construction Commission (page VIII-65) insert the appropriately numbered rider:

\_\_ Homebuilder fees. It is the intent of the legislature that the Commission shall charge homebuilders no less than \$500 for original registration with the Commission and no less than \$300 for a renewal registration.

Representative F. Brown moved to table Amendment No. 158.

A record vote was requested.

The motion to table prevailed by (Record 253): 94 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Denny; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farrar; Flores; Gallego; Giddings; Gonzalez Toureilles; Haggerty; Herrero; Hochberg; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Noriega, M.; Olivo; Peña; Puente; Raymond; Solis; Solomons; Thompson; Turner; Uresti; Veasey.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Burnam; Chisum; Delisi; Geren; Hodge; Keffer, J.; Kuempel; Laney; Menendez; Naishtat; Rodriguez; Talton; Villarreal; Woolley.

### STATEMENTS OF VOTE

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted no.

Hodge

I was shown voting no on Record No. 253. I intended to vote yes.

Raymond

### Amendment No. 159

Representative Martinez Fischer offered the following amendment to CSSB 1:

Floor Packet Page No. 149

Amend **CSSB 1** (House committee printing) in Article VIII of the bill following the appropriations to the Public Utility Commission of Texas (page VIII-80) by adding the following rider, numbered appropriately, and by renumbering subsequent riders accordingly:

\_\_\_. Open Meetings and Records for Independent Organizations. The legislature intends that money appropriated by this Act not be given to an independent organization certified for a power region under Subchapter D, Chapter 39, Utilities Code, unless the independent organization provides for public access to the meetings of the organization's governing body and to the organization's records to at least the same degree Chapters 551 and 552, Government Code, require a governmental body to provide public access to the governmental body's meetings and records.

Amendment No. 159 was withdrawn.

### **Amendment No. 160**

Representative Isett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 151

Amend **CSSB 1** (House Committee Printing) in Article IX of the bill as follows:

(1) Strike the list of "Classified Positions for the 2006-07 Biennium" (pages IX-2 through IX-16) and substitute the following:

<u>Class Number</u>	<u>Class Title</u>	<u>Salary Group</u>
0006	Receptionist	A05
0053	Clerk I	A04
0055	Clerk II	A06
0057	Clerk III	A08
0059	Clerk IV	A10
0130	Customer Service Representative I	A09
0132	Customer Service Representative II	A11
0134	Customer Service Representative III	A13
0136	Customer Service Representative IV	A15
0150	Administrative Assistant I	A08
0152	Administrative Assistant II	A11
0154	Administrative Assistant III	A13
0156	Administrative Assistant IV	A15
0160	Executive Assistant I	B09
0162	Executive Assistant II	B11
0203	Data Entry Operator I	A06
0205	Data Entry Operator II	A08
0207	Data Entry Operator III	A10
0218	Computer Record Control Clerk I	A07
0220	Computer Record Control Clerk II	A09
0223	Computer Operator I	A09
0225	Computer Operator II	A11
0227	Computer Operator III	A14
0233	Computer Operations Supervisor I	B08
0234	Computer Operations Supervisor II	B10

0236	Systems Support Specialist I	A12
0237	Systems Support Specialist II	A14
0238	Systems Support Specialist III	A16
0239	Programmer I	B06
0240	Programmer II	B08
0241	Programmer III	B10
0242	Programmer IV	B12
0243	Programmer V	B14
0244	Programmer VI	B16
0245	Programmer VII	B18
0254	Systems Analyst I	B08
0255	Systems Analyst II	B10
0256	Systems Analyst III	B12
0257	Systems Analyst IV	B14
0258	Systems Analyst V	B16
0259	Systems Analyst VI	B18
0271	Data Base Administrator I	B08
0272	Data Base Administrator II	B10
0273	Data Base Administrator III	B12
0274	Data Base Administrator IV	B14
0275	Data Base Administrator V	B16
0276	Data Base Administrator VI	B18
0277	Web Administrator I	B10
0278	Web Administrator II	B12
0279	Web Administrator III	B14
0281	Telecommunications Specialist I	B07
0282	Telecommunications Specialist II	B09
0283	Telecommunications Specialist III	B11
0284	Telecommunications Specialist IV	B13
0285	Telecommunications Specialist V	B15
0287	Network Specialist I	B08
0288	Network Specialist II	B10
0289	Network Specialist III	B12
0290	Network Specialist IV	B14
0291	Network Specialist V	B16
0293	Business Continuity Coordinator I	B13
0294	Business Continuity Coordinator II	B15
0295	Business Continuity Coordinator III	B17
0330	Printing Services Technician I	A07
0331	Printing Services Technician II	A09
0332	Printing Services Technician III	A11
0333	Printing Services Technician IV	A13
0334	Printing Services Technician V	A15
0335	Printing Services Technician VI	A16
0340	Microfilm Camera Operator I	A06
0341	Microfilm Camera Operator II	A08
0350	Micrographics Technician I	A09
0352	Micrographics Technician II	A11
0354	Micrographics Technician III	A13
0356	Micrographics Technician IV	A15
0367	Photographer	A16

0516	Planner I	B09
0517	Planner II	B11
0518	Planner III	B12
0519	Planner IV	B13
0590	Research and Statistics Technician I	A11
0592	Research and Statistics Technician II	A13
0600	Research Specialist I	B07
0602	Research Specialist II	B09
0604	Research Specialist III	B10
0606	Research Specialist IV	B11
0608	Research Specialist V	B13
0624	Statistician I	B07
0626	Statistician II	B09
0628	Statistician III	B11
0630	Statistician IV	B13
0640	Economist I	B08
0642	Economist II	B10
0644	Economist III	B12
0810	Teacher Aide I	A07
0812	Teacher Aide II	A09
0813	Teacher Aide III	A11
0814	Teacher Aide IV	A13
1000	Accounting Technician I	A11
1002	Accounting Technician II	A13
1012	Accountant I	B06
1014	Accountant II	B08
1016	Accountant III	B09
1018	Accountant IV	B11
1020	Accountant V	B12
1022	Accountant VI	B13
1024	Accountant VII	B15
1042	Auditor I	B07
1044	Auditor II	B09
1046	Auditor III	B11
1048	Auditor IV	B13
1050	Auditor V	B15
1052	Auditor VI	B17
1059	Taxpayer Compliance Officer I	B03
1060	Taxpayer Compliance Officer II	B04
1061	Taxpayer Compliance Officer III	B06
1062	Taxpayer Compliance Officer IV	B08
1063	Taxpayer Compliance Officer V	B10
1073	Accounts Examiner I	B04
1074	Accounts Examiner II	B06
1075	Accounts Examiner III	B08
1076	Accounts Examiner IV	B10
1077	Accounts Examiner V	B12
1080	Financial Analyst I	B11
1082	Financial Analyst II	B13
1084	Financial Analyst III	B15
1100	Financial Examiner I	B07



1102	Financial Examiner II	B09
1104	Financial Examiner III	B11
1106	Financial Examiner IV	B13
1108	Financial Examiner V	B15
1110	Financial Examiner VI	B17
1112	Financial Examiner VII	B19
1130	Investment Analyst I	B12
1131	Investment Analyst II	B15
1132	Investment Analyst III	B18
1133	Investment Analyst IV	B20
1150	Portfolio Manager I	B18
1151	Portfolio Manager II	B20
1152	Portfolio Manager III	B21
1153	Portfolio Manager IV	B22
1155	Budget Analyst I	B06
1156	Budget Analyst II	B09
1157	Budget Analyst III	B11
1158	Budget Analyst IV	B13
1161	Trader I	B16
1162	Trader II	B19
1165	Chief Investment Officer	B22
1175	Chief Trader I	B21
1176	Chief Trader II	B22
1240	Reimbursement Officer I	A09
1242	Reimbursement Officer II	A11
1244	Reimbursement Officer III	A13
1246	Reimbursement Officer IV	A15
1248	Reimbursement Officer V	A17
1320	Inspector I	B01
1321	Inspector II	B03
1322	Inspector III	B05
1323	Inspector IV	B07
1324	Inspector V	B08
1325	Inspector VI	B10
1326	Inspector VII	B12
1350	Investigator I	B04
1351	Investigator II	B06
1352	Investigator III	B08
1353	Investigator IV	B09
1354	Investigator V	B10
1355	Investigator VI	B12
1356	Investigator VII	B13
1372	Seed Analyst I	B03
1374	Seed Analyst II	B05
1376	Seed Analyst III	B07
1378	Seed Analyst IV	B09
1550	Staff Services Officer I	B08
1551	Staff Services Officer II	B10
1552	Staff Services Officer III	B11
1553	Staff Services Officer IV	B12
1554	Staff Services Officer V	B13

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1570	Program Specialist I	B09
1571	Program Specialist II	B10
1572	Program Specialist III	B11
1573	Program Specialist IV	B12
1574	Program Specialist V	B13
1575	Program Specialist VI	B15
1576	Program Specialist VII	B17
1580	Program Supervisor I	B09
1582	Program Supervisor II	B11
1584	Program Supervisor III	B13
1600	Manager I	B13
1601	Manager II	B14
1602	Manager III	B15
1603	Manager IV	B16
1604	Manager V	B17
1620	Director I	B17
1621	Director II	B18
1622	Director III	B19
1623	Director IV	B20
1624	Director V	B21
1630	Deputy Director	B22
1640	Deputy Comptroller	B22
1727	Human Resources Assistant	A11
1729	Human Resources Specialist I	B05
1731	Human Resources Specialist II	B07
1733	Human Resources Specialist III	B09
1735	Human Resources Specialist IV	B11
1737	Human Resources Specialist V	B13
1780	Training Assistant	A11
1781	Training Specialist I	B05
1782	Training Specialist II	B07
1783	Training Specialist III	B09
1784	Training Specialist IV	B11
1785	Training Specialist V	B13
1821	Marketing Specialist I	B04
1822	Marketing Specialist II	B06
1823	Marketing Specialist III	B08
1824	Marketing Specialist IV	B10
1830	Information Specialist I	B06
1831	Information Specialist II	B08
1832	Information Specialist III	B10
1833	Information Specialist IV	B13
1840	Audio/Visual Technician I	A09
1841	Audio/Visual Technician II	A11
1842	Audio/Visual Technician III	A14
1843	Audio/Visual Technician IV	A16
1860	Management Analyst I	B10
1862	Management Analyst II	B12
1864	Management Analyst III	B14
1870	Technical Writer I	B08
1871	Technical Writer II	B10

1880	State and Federal Relations Representative I	B15
1881	State and Federal Relations Representative II	B17
1882	State and Federal Relations Representative III	B19
1890	Government Relations Specialist I	B15
1892	Government Relations Specialist II	B17
1912	Inventory Coordinator I	A12
1913	Inventory Coordinator II	A14
1920	Grant Coordinator I	B10
1921	Grant Coordinator II	B12
1954	Purchaser I	B04
1955	Purchaser II	B06
1956	Purchaser III	B08
1957	Purchaser IV	B10
1958	Purchaser V	B12
1960	Contract Administration Manager I	B17
1962	Contract Administration Manager II	B19
1970	Contract Technician I	A09
1972	Contract Technician II	A11
1974	Contract Technician III	A13
1976	Contract Specialist I	B07
1978	Contract Specialist II	B08
1980	Contract Specialist III	B09
1982	Contract Specialist IV	B10
1990	Property Manager I	B08
1992	Property Manager II	B10
1994	Property Manager III	B12
2050	Land Surveyor I	B11
2054	Land Surveyor II	B13
2056	Land Surveyor III	B15
2061	Appraiser I	B07
2062	Appraiser II	B09
2064	Appraiser III	B11
2065	Appraiser IV	B13
2080	Right of Way Agent I	B04
2082	Right of Way Agent II	B06
2084	Right of Way Agent III	B08
2086	Right of Way Agent IV	B10
2093	Utility Specialist I	B12
2094	Utility Specialist II	B14
2119	Engineering Aide	A06
2121	Engineering Technician I	A08
2122	Engineering Technician II	A10
2123	Engineering Technician III	A12
2124	Engineering Technician IV	A14
2125	Engineering Technician V	A16
2126	Engineering Specialist I	B08
2127	Engineering Specialist II	B09
2128	Engineering Specialist III	B10
2129	Engineering Specialist IV	B11
2130	Engineering Specialist V	B12
2131	Engineering Specialist VI	B13

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2132	Engineering Specialist VII	B14
2137	Engineering Assistant	B07
2151	Engineer I	B12
2152	Engineer II	B13
2153	Engineer III	B14
2154	Engineer IV	B15
2155	Engineer V	B16
2156	Engineer VI	B17
2157	Engineer VII	B18
2167	Graphic Designer I	B06
2168	Graphic Designer II	B08
2181	Drafting Technician I	A15
2182	Drafting Technician II	A17
2255	Project Design Assistant	B08
2260	Architect I	B11
2264	Architect II	B13
2266	Architect III	B15
2350	Earth Science Technician	B08
2356	Geologist I	B09
2360	Geologist II	B11
2364	Geologist III	B13
2365	Geologist IV	B15
2456	Hydrologist I	B09
2460	Hydrologist II	B11
2464	Hydrologist III	B13
2465	Hydrologist IV	B15
2471	Chemist I	B05
2472	Chemist II	B07
2473	Chemist III	B09
2474	Chemist IV	B11
2475	Chemist V	B13
2476	Chemist VI	B15
2583	Sanitarian I	B09
2584	Sanitarian II	B11
2585	Sanitarian III	B13
2650	Environmental Specialist I	B05
2651	Environmental Specialist II	B07
2652	Environmental Specialist III	B09
2653	Environmental Specialist IV	B11
2654	Environmental Specialist V	B13
2655	Environmental Specialist VI	B15
2681	Natural Resources Specialist I	B05
2682	Natural Resources Specialist II	B07
2683	Natural Resources Specialist III	B09
2684	Natural Resources Specialist IV	B11
2685	Natural Resources Specialist V	B13
2686	Natural Resources Specialist VI	B15
2687	Park Specialist I	B06
2688	Park Specialist II	B08
2689	Park Specialist III	B10
2691	Fish and Wildlife Technician I	A11

2692	Fish and Wildlife Technician II	A13
2693	Fish and Wildlife Technician III	A15
2694	Fish and Wildlife Technician IV	A17
2695	Park Ranger I	A07
2696	Park Ranger II	A09
2697	Park Ranger III	A11
2698	Park Ranger IV	A13
2699	Park Ranger V	A15
2720	Lifeguard	A03
2730	Safety Officer I	B07
2731	Safety Officer II	B09
2732	Safety Officer III	B11
2733	Safety Officer IV	B13
2740	Risk Management Specialist I	B07
2741	Risk Management Specialist II	B09
2742	Risk Management Specialist III	B10
2743	Risk Management Specialist IV	B12
2744	Risk Management Specialist V	B13
2761	Rescue Specialist I	B08
2762	Rescue Specialist II	B10
2763	Rescue Specialist III	B12
2802	Actuary I	B13
2803	Actuary II	B15
2804	Actuary III	B17
2805	Actuary IV	B19
2806	Actuary V	B21
2808	Chief Actuary	B22
2824	Insurance Technician	A10
2841	Insurance Specialist I	B04
2842	Insurance Specialist II	B06
2843	Insurance Specialist III	B08
2844	Insurance Specialist IV	B09
2845	Insurance Specialist V	B10
2911	Retirement System Benefits Specialist I	B02
2912	Retirement System Benefits Specialist II	B04
2913	Retirement System Benefits Specialist III	B06
2914	Retirement System Benefits Specialist IV	B08
2920	Claims Assistant	A12
2921	Claims Examiner I	B07
2922	Claims Examiner II	B08
2923	Claims Examiner III	B09
2924	Claims Examiner IV	B10
3020	Employment Specialist I	B02
3021	Employment Specialist II	B03
3022	Employment Specialist III	B04
3023	Employment Specialist IV	B05
3024	Employment Specialist V	B06
3025	Employment Specialist VI	B07
3026	Employment Specialist VII	B08
3151	Unemployment Insurance Claims Examiner I	A11
3153	Unemployment Insurance Claims Examiner II	A13

3154	Unemployment Insurance Claims Examiner A15	
	III	
3171	Unemployment Insurance Specialist I	B07
3173	Unemployment Insurance Specialist II	B09
3501	Attorney I	B10
3502	Attorney II	B12
3503	Attorney III	B14
3504	Attorney IV	B16
3505	Attorney V	B18
3506	Attorney VI	B20
3510	Assistant Attorney General I	B10
3511	Assistant Attorney General II	B12
3512	Assistant Attorney General III	B14
3513	Assistant Attorney General IV	B16
3514	Assistant Attorney General V	B18
3515	Assistant Attorney General VI	B20
3516	Assistant Attorney General VII	B21
3517	First Assistant Attorney General	B22
3520	General Counsel I	B14
3521	General Counsel II	B16
3522	General Counsel III	B18
3523	General Counsel IV	B20
3524	General Counsel V	B21
3559	Hearings Reporter	B12
3565	Legal Secretary I	A09
3566	Legal Secretary II	A11
3567	Legal Secretary III	A13
3568	Legal Secretary IV	A15
3572	Legal Assistant I	B06
3574	Legal Assistant II	B08
3576	Legal Assistant III	B10
3604	Law Clerk	B03
3610	Court Law Clerk I	B09
3611	Court Law Clerk II	B11
3620	Deputy Clerk I	A09
3622	Deputy Clerk II	A11
3624	Deputy Clerk III	A14
3626	Deputy Clerk IV	A17
3630	Chief Deputy Clerk	B13
3635	Clerk of the Court	B17
3640	Administrative Law Judge I	B15
3642	Administrative Law Judge II	B17
3644	Administrative Law Judge III	B18
3646	Master Administrative Law Judge IV	B20
3650	Associate Judge I	B18
3652	Associate Judge II	B20
3660	Ombudsman I	B09
3662	Ombudsman II	B10
3672	Benefit Review Officer	B12
4001	Dietetic Technician I	A07
4002	Dietetic Technician II	A09

4007	Dietitian	B07
4016	Nutritionist I	B07
4017	Nutritionist II	B10
4018	Nutritionist III	B12
4070	Public Health Technician I	B03
4072	Public Health Technician II	B05
4074	Public Health Technician III	B07
4076	Public Health Technician IV	B09
4082	Epidemiologist I	B11
4083	Epidemiologist II	B13
4084	Epidemiologist III	B15
4125	Veterinarian I	B14
4127	Veterinarian II	B16
4129	Veterinarian III	B18
4140	Laboratory Technician I	A05
4142	Laboratory Technician II	A07
4144	Laboratory Technician III	A09
4146	Laboratory Technician IV	A11
4220	Microbiologist I	B05
4221	Microbiologist II	B07
4222	Microbiologist III	B09
4223	Microbiologist IV	B11
4224	Microbiologist V	B13
4225	Microbiologist VI	B15
4292	Radiological Technologist I	B05
4293	Radiological Technologist II	B07
4294	Radiological Technologist III	B09
4342	Orthopedic Equipment Technician I	A08
4344	Orthopedic Equipment Technician II	A10
4346	Orthopedic Equipment Technician III	A12
4360	Registered Therapist Assistant	A15
4361	Registered Therapist I	B06
4362	Registered Therapist II	B08
4363	Registered Therapist III	B10
4364	Registered Therapist IV	B12
4365	Registered Therapist V	B14
4366	Registered Therapist VI	B15
4374	Medical Aide I	A05
4376	Medical Aide II	A07
4385	Medical Technician I	A09
4386	Medical Technician II	A11
4387	Medical Technician III	A13
4390	Health Physicist I	B14
4392	Health Physicist II	B16
4394	Health Physicist III	B18
4401	Medical Technologist I	B05
4402	Medical Technologist II	B07
4403	Medical Technologist III	B09
4404	Medical Technologist IV	B11
4405	Medical Technologist V	B13
4410	Certified Nurse Assistant I	A05

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4412	Certified Nurse Assistant II	A07
4428	Respiratory Care Practitioner	A14
4430	Licensed Vocational Nurse I	A09
4432	Licensed Vocational Nurse II	A11
4434	Licensed Vocational Nurse III	A13
4435	Resident Physician	B10
4436	Physician I	B20
4437	Physician II	B21
4438	Physician III	B22
4440	Physician Assistant	B17
4444	Nurse I	B08
4446	Nurse II	B10
4448	Nurse III	B12
4450	Nurse IV	B13
4451	Nurse Practitioner	B15
4453	Medical Research Specialist	B17
4455	Dentist I	B17
4457	Dentist II	B19
4459	Dentist III	B21
4462	Psychologist I	B14
4464	Psychologist II	B16
4465	Psychologist III	B18
4466	Psychological Assistant	B04
4468	Associate Psychologist I	B08
4469	Associate Psychologist II	B09
4470	Associate Psychologist III	B10
4471	Associate Psychologist IV	B11
4472	Associate Psychologist V	B12
4476	Psychiatrist I	B20
4477	Psychiatrist II	B21
4478	Psychiatrist III	B22
4482	Dental Assistant I	A06
4483	Dental Assistant II	A08
4489	Dental Hygienist	B09
4492	Pharmacist I	B16
4493	Pharmacist II	B18
4498	Pharmacy Technician I	A08
4499	Pharmacy Technician II	A10
4501	Correctional Officer I	A07
4502	Correctional Officer II	A09
4503	Correctional Officer III	A11
4504	Correctional Officer IV	A12
4505	Correctional Officer V	A14
4510	Sergeant of Correctional Officers	B07
4511	Lieutenant of Correctional Officers	B08
4512	Captain of Correctional Officers	B09
4513	Major of Correctional Officers	B10
4520	Juvenile Correctional Officer I	A07
4521	Juvenile Correctional Officer II	A09
4522	Juvenile Correctional Officer III	A11
4523	Juvenile Correctional Officer IV	A13



4524	Juvenile Correctional Officer V	A15
4525	Juvenile Correctional Officer VI	A16
4540	Parole Officer I	B06
4541	Parole Officer II	B07
4542	Parole Officer III	B08
4543	Parole Officer IV	B10
4544	Parole Officer V	B12
4550	Assistant Warden	B14
4551	Warden I	B16
4552	Warden II	B18
4560	Counsel Substitute I	A11
4561	Counsel Substitute II	A13
4562	Counsel Substitute III	A15
4571	Correctional Transportation Officer	A12
4646	Industrial Specialist I	A11
4647	Industrial Specialist II	A12
4648	Industrial Specialist III	A13
4649	Industrial Specialist IV	A14
4650	Industrial Specialist V	A16
4651	Industrial Specialist VI	A18
4671	Agriculture Specialist I	A12
4672	Agriculture Specialist II	A13
4673	Agriculture Specialist III	A14
4674	Agriculture Specialist IV	A15
4675	Agriculture Specialist V	A16
5023	Protective Services Specialist I	B05
5024	Protective Services Specialist II	B06
5025	Protective Services Specialist III	B07
5026	Protective Services Specialist IV	B08
5027	Protective Services Specialist V	B09
5046	Disability Case Review Specialist	B03
5050	Rehabilitation Therapy Technician I	A05
5051	Rehabilitation Therapy Technician II	A07
5052	Rehabilitation Therapy Technician III	A09
5053	Rehabilitation Therapy Technician IV	A11
5054	Rehabilitation Therapy Technician V	A13
5062	Vocational Rehabilitation Counselor I	B07
5063	Vocational Rehabilitation Counselor II	B08
5064	Vocational Rehabilitation Counselor III	B09
5079	Chaplaincy Services Assistant	A11
5081	Chaplain I	B06
5082	Chaplain II	B09
5083	Chaplain III	B11
5090	Rehabilitation Teacher I	B02
5091	Rehabilitation Teacher II	B04
5092	Rehabilitation Teacher III	B06
5105	Veterans Assistance Counselor I	B06
5106	Veterans Assistance Counselor II	B07
5107	Veterans Assistance Counselor III	B08
5108	Veterans Assistance Counselor IV	B10
5109	Veterans Assistance Counselor V	B12

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5112	Substance Abuse Counselor I	B05
5113	Substance Abuse Counselor II	B06
5120	MHMR Services Aide	A04
5121	MHMR Services Assistant I	A06
5122	MHMR Services Assistant II	A07
5123	MHMR Services Assistant III	A08
5124	MHMR Services Supervisor	A10
5130	Qualified Mental Retardation Professional I	B05
5131	Qualified Mental Retardation Professional II	B06
5132	Qualified Mental Retardation Professional III	B07
5133	Qualified Mental Retardation Professional IV	B08
5140	Recreation Program Specialist I	A09
5142	Recreation Program Specialist II	A11
5144	Recreation Program Specialist III	A13
5201	Resident Specialist I	A07
5203	Resident Specialist II	A09
5205	Resident Specialist III	A11
5207	Resident Specialist IV	A13
5209	Resident Specialist V	A15
5221	Clinical Social Worker I	B05
5222	Clinical Social Worker II	B07
5223	Clinical Social Worker III	B09
5224	Clinical Social Worker IV	B11
5226	Case Manager I	B04
5227	Case Manager II	B05
5228	Case Manager III	B07
5229	Case Manager IV	B09
5231	Volunteer Services Coordinator I	B03
5232	Volunteer Services Coordinator II	B05
5233	Volunteer Services Coordinator III	B07
5234	Volunteer Services Coordinator IV	B09
5235	Volunteer Services Coordinator V	B11
5300	HHS Program Coordinator I	B10
5302	HHS Program Coordinator II	B12
5304	HHS Program Coordinator III	B14
5502	Human Services Technician I	A04
5503	Human Services Technician II	A06
5504	Human Services Technician III	A07
5505	Human Services Technician IV	A09
5525	Quality Assurance Specialist I	B07
5526	Quality Assurance Specialist II	B08
5527	Quality Assurance Specialist III	B09
5528	Quality Assurance Specialist IV	B11
5540	Child Support Officer I	B03
5541	Child Support Officer II	B05
5542	Child Support Officer III	B07
5543	Child Support Officer IV	B09
5550	Child Support Technician I	A09
5551	Child Support Technician II	A11
5552	Child Support Technician III	A13
5614	Interpreter I	B06

5616	Interpreter II	B08
5618	Interpreter III	B10
5700	Human Services Specialist I	B03
5701	Human Services Specialist II	B04
5702	Human Services Specialist III	B05
5703	Human Services Specialist IV	B06
5704	Human Services Specialist V	B07
5705	Human Services Specialist VI	B08
5706	Human Services Specialist VII	B09
6052	Forensic Scientist I	B10
6053	Forensic Scientist II	B11
6054	Forensic Scientist III	B12
6055	Forensic Scientist IV	B13
6056	Forensic Scientist V	B14
6057	Forensic Scientist VI	B15
6082	Forensic Photographer I	B07
6084	Forensic Photographer II	B09
6086	Forensic Photographer III	B11
6090	Communications Center Specialist I	A08
6092	Communications Center Specialist II	A10
6095	Police Communications Operator I	A12
6096	Police Communications Operator II	A13
6097	Police Communications Operator III	A14
6098	Police Communications Operator IV	A15
6114	Fingerprint Technician I	A10
6115	Fingerprint Technician II	A11
6116	Fingerprint Technician III	A12
6117	Fingerprint Technician IV	A14
6121	Firearms/Latent Print Technician I	B07
6122	Firearms/Latent Print Technician II	B08
6150	Crime Lab Evidence Technician	B05
6152	Combined DNA Index System Analyst I	B10
6154	Combined DNA Index System Analyst II	B12
6221	Public Safety Records Technician I	A09
6222	Public Safety Records Technician II	A10
6229	Security Officer I	A06
6230	Security Officer II	A08
6232	Security Officer III	A10
6234	Security Officer IV	A12
7304	Archeologist I	B06
7306	Archeologist II	B08
7308	Archeologist III	B10
7310	Archeologist IV	B12
7315	Historian I	B06
7317	Historian II	B08
7319	Historian III	B10
7350	Library Assistant I	A07
7352	Library Assistant II	A09
7354	Library Assistant III	A11
7401	Librarian I	B06
7402	Librarian II	B08

7403	Librarian III	B10
7404	Librarian IV	B12
7405	Archivist I	B06
7407	Archivist II	B08
7409	Archivist III	B10
7460	Exhibit Technician I	B02
7462	Exhibit Technician II	B04
7464	Exhibit Technician III	B06
7466	Museum Curator	B8
8003	Custodian I	A03
8005	Custodian II	A05
8007	Custodian III	A08
8021	Custodial Manager I	A11
8023	Custodial Manager II	A13
8025	Custodial Manager III	A15
8031	Groundskeeper I	A04
8032	Groundskeeper II	A06
8033	Groundskeeper III	A08
8103	Food Service Worker I	A03
8104	Food Service Worker II	A05
8108	Food Service Manager I	A09
8109	Food Service Manager II	A11
8110	Food Service Manager III	A14
8111	Food Service Manager IV	A16
8116	Cook I	A03
8117	Cook II	A04
8118	Cook III	A06
8119	Cook IV	A08
8202	Sewing Room Worker	A03
8203	Sewing Room Supervisor	A06
8252	Laundry Worker I	A03
8253	Laundry Worker II	A05
8254	Laundry Worker III	A07
8260	Laundry Manager I	A09
8261	Laundry Manager II	A11
8262	Laundry Manager III	A14
8263	Laundry Manager IV	A16
8302	Barber/Cosmetologist	A06
8400	Canteen Manager I	A10
8401	Canteen Manager II	A13
9004	Maintenance Assistant	A06
9022	Equipment Operator I	A09
9024	Equipment Operator II	A11
9026	Equipment Operator III	A13
9034	Air Conditioning and Boiler Operator I	B03
9035	Air Conditioning and Boiler Operator II	B05
9036	Air Conditioning and Boiler Operator III	B07
9037	Air Conditioning and Boiler Operator IV	B09
9041	Maintenance Technician I	A06
9042	Maintenance Technician II	A08
9043	Maintenance Technician III	A09

9044	Maintenance Technician IV	A11
9045	Maintenance Technician V	A13
9051	Maintenance Supervisor I	A10
9052	Maintenance Supervisor II	A12
9053	Maintenance Supervisor III	A14
9054	Maintenance Supervisor IV	A15
9055	Maintenance Supervisor V	A16
9060	Electronics Technician I	A15
9062	Electronics Technician II	A17
9305	Transportation Maintenance Specialist I	A13
9306	Transportation Maintenance Specialist II	A15
9307	Transportation Maintenance Specialist III	A16
9308	Transportation Maintenance Specialist IV	A17
9309	Transportation Maintenance Specialist V	A18
9321	Vehicle Driver I	A03
9322	Vehicle Driver II	A05
9323	Vehicle Driver III	A07
9324	Vehicle Driver IV	A09
9416	Motor Vehicle Technician I	A08
9417	Motor Vehicle Technician II	A10
9418	Motor Vehicle Technician III	A12
9419	Motor Vehicle Technician IV	A14
9512	Machinist I	A13
9514	Machinist II	A15
9624	Aircraft Pilot I	B11
9626	Aircraft Pilot II	B13
9636	Aircraft Mechanic	B10
9700	Radio Communications Technician I	A10
9704	Radio Communications Technician II	A12
9706	Radio Communications Technician III	A14
9733	Equipment Maintenance Technician I	A14
9734	Equipment Maintenance Technician II	A16
9802	Electrician I	B06
9804	Electrician II	B08
9806	Electrician III	B10
9812	HVAC Mechanic I	A12
9814	HVAC Mechanic II	A14
9816	HVAC Mechanic III	A16
9901	Public Safety Inspector I	C05
9902	Public Safety Inspector II	C06
9905	Pilot Investigator I	C04
9906	Pilot Investigator II	C05
9907	Pilot Investigator III	C06
9908	Pilot Investigator IV	C07
9920	Trooper Trainee	C01
9922	Probationary Trooper	C02
9928	Trooper	C03
9935	Corporal	C03
9940	Sergeant, Public Safety	C04
9941	Lieutenant, Public Safety	C05
9942	Captain, Public Safety	C06

9943	Assistant Commander, Public Safety	C07
9944	Commander, Public Safety	C08
9945	Major, Public Safety	C08
9950	Agent Trainee	C02
9956	Agent	C03
9960	Sergeant, Alcoholic Beverage	C04
9961	Lieutenant, Alcoholic Beverage	C05
9962	Captain, Alcoholic Beverage	C06
9963	Major, Alcoholic Beverage	C08
9965	Investigator Trainee - Office of the Inspector General	C01
9971	Investigator - Office of the Inspector General	C03
9972	Regional Supervisor - Office of the Inspector General	C04
9973	Regional Manager - Office of the Inspector General	C05
9974	Multi-Regional Administrator - Office of the Inspector General	C06
9975	Chief Inspector - Office of the Inspector General (less than 12 years service)	C07
9976	Chief Inspector - Office of the Inspector General (more than 12 years service)	C08
9980	Game Warden Trainee	C01
9981	Probationary Game Warden	C02
9987	Game Warden	C03
9990	Sergeant, Game Warden	C04
9991	Lieutenant, Game Warden	C05
9992	Captain, Game Warden	C06
9993	Assistant Commander, Game Warden	C07
9994	Commander, Game Warden	C08
9995	Major, Game Warden	C08

(2) Add the following appropriately numbered section to Part 3 of the Article:

Sec. 3.\_\_\_\_. EQUITY ADJUSTMENTS. (a) A state agency is authorized to adjust the salary rate of an employee whose position is classified under the position classification plan to any rate within the employee's salary group range as necessary to maintain desirable salary relationships:

(1) between and among employees of the agency; or

(2) between employees of the agency and employees who hold similar positions in the relevant labor market.

(b) In determining desirable salary relationships under Subsection (a), a state agency shall consider the education, skills, related work experience, length of service, and job performance of agency employees and similar employees in the relevant labor market.

(c) A state agency may award an equity adjustment to an employee under this section only if:

(1) the employee has worked in the employee's current position for not less than six months while maintaining at least a satisfactory level of job performance; and

(2) the adjustment does not take effect during the same fiscal year as another equity adjustment made to the employee's salary under this section.

(d) A state agency shall adopt internal written rules relating to making equity adjustments under this section. The rules shall include procedures under which the agency will review and analyze the salary relationships between agency employees who receive salaries under the same job classification and perform the same type and level of work to determine if inequities exist.

Amendment No. 160 was adopted.

### **Amendment No. 161**

Representative Rodriguez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 179

Amend **CSSB 1**, on page IX-23, Part 4, Employment Policies and Provisions, by adding a new section as follows and by renumbering any remaining sections accordingly:

"Sec. \_\_. Restriction on Salary Payment for Certain Personnel. No funds appropriated by this Act may be spent for the salary of a person employed by a state agency or institution of higher education to make recommendations or decisions regarding the preparation of a solicitation for a contract, the under this Act may not make recommendations or decisions regarding the preparation of a solicitation for a contract, contract terms or conditions, or the award of a contract nor evaluate a bid proposal unless the person has disclosed, on an annual basis, to the state agency or institution of higher education and the Comptroller of Public Accounts whether the person:

(1) is employed by, participates in the management of, or is a paid consultant of a business entity or other organization;

(2) owns or controls, directly or indirectly, more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in a business entity or other organization;

(3) has any relationship with a person who is an owner, manager, partner, or paid consultant of a business entity or other organization; or

(4) has any relationship with a person who owns or controls, directly or indirectly, more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in a business entity or other organization.

Amendment No. 161 was withdrawn.

### **Amendment No. 162**

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 181

Amend **CSSB 1** in Article IX under Part 6, General Limitations on Expenditures (page IX-27), by adding the following appropriately numbered section:

SECTION 6.\_\_\_\_. Use of Appropriated Money Paid to Contractor. A contractor that receives money appropriated under this Act as compensation under a contract with a state agency, including a state agency in the legislative or judicial branch or an institution of higher education, may not use any portion of that money to retain or compensate a person required to register as a lobbyist under Chapter 305, Government Code.

#### **Amendment No. 163**

Representative Hughes offered the following amendment to Amendment No. 162:

Amend the Gallego amendment No. 162 to **CSSB 1** (page 181, prefiled amendments packet) by striking lines 9 and 10 and substituting the following:

money to compensate a person for performing services, on behalf of the contractor, that would require the compensated person to register as a lobbyist under Chapter 305, Government Code.

Amendment No. 163 was adopted.

Amendment No. 162, as amended, was adopted.

#### **Amendment No. 164**

Representative Rodriguez offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 179

Amend **CSSB 1**, on page IX-23, Part 4, Employment Policies and Provisions, by adding a new section as follows and by renumbering any remaining sections accordingly:

"Sec.\_\_\_\_. Restriction on Salary Payment for Certain Personnel. No funds appropriated by this Act may be spent for the salary of a person employed by a state agency or institution of higher education to make recommendations or decisions regarding the preparation of a solicitation for a contract, the under this Act may not make recommendations or decisions regarding the preparation of a solicitation for a contract, contract terms or conditions, or the award of a contract nor evaluate a bid proposal unless the person has disclosed, on an annual basis, to the state agency or institution of higher education and the Comptroller of Public Accounts whether the person:

(1) is employed by, participates in the management of, or is a paid consultant of a business entity or other organization;

(2) owns or controls, directly or indirectly, more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in a business entity or other organization;

(3) has any relationship with a person who is an owner, manager, partner, or paid consultant of a business entity or other organization; or

(4) has any relationship with a person who owns or controls, directly or indirectly, more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in a business entity or other organization.



**Amendment No. 165**

Representative Rodriguez offered the following amendment to Amendment No. 164:

Amend Amendment No. 164 by Rodriguez to **CSSB 1** (page 179, prefiled amendments package) by striking the first four lines of the amendment and substituting:

Amend **CSSB 1** by adding the following appropriately numbered rider to Article XI of the bill:

\_\_\_\_. RESTRICTION ON SALARY PAYMENT FOR CERTAIN PERSONNEL. Contingent on **HB 2169** or similar legislation by the 79th Legislature, Regular Session, passing and becoming law, money appropriated by this Act may not be spent for the salary of a person employed by a state agency or

Amendment No. 165 was adopted.

Amendment No. 164, as amended, was adopted.

**Amendment No. 166**

Representative Gallego offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 182

Amend **CSSB 1** by adding the following appropriately numbered section to Part 6 of Article IX of the bill and renumbering the subsequent sections of Part 6, Article IX, accordingly:

Sec. 6. \_\_\_\_\_. Restriction on Expenditures for Lobbying Activities. (a) Except as provided by Subsection (b) of this section, none of the funds appropriated under this Act may be used to compensate a person for engaging in lobbying activities. In this subsection, lobbying activities means contacting, in person or by telephone, telegraph, letter, facsimile, electronic mail, or other electronic means of communication, an officer or employee of the federal government or the government of any state or political subdivision to influence:

(1) a bill, resolution, amendment, order, ordinance, nomination, or other matter pending before a governmental entity exercising legislative powers;

(2) any matter that is or may be the subject of action by a governmental entity exercising legislative powers, including the introduction, consideration, passage, defeat, approval, or veto of the matter; or

(3) rulemaking, licensing, or any other matter that may be the subject of action by a governmental entity exercising administrative powers, including the proposal, consideration, or approval of the matter.

(b) Subsection (a) of this section does not apply to the payment of compensation to a person employed by a state agency, including the Office of State-Federal Relations.

**Amendment No. 167**

Representative Gallego offered the following amendment to Amendment No. 166:

Amend Floor Amendment No. 166 by Gallego to **CSSB 1** (page 181, filed amendment package), by striking lines 9-10 and substituting:

money to retain or compensate:

(1) a person required to register as a lobbyist under Chapter 305, Government Code; or

(2) a person for the purpose of communicating directly with a person, agency, or body within the legislative or executive branches of the federal government to influence legislative or administrative action.

Amendment No. 167 was adopted.

Amendment No. 166, as amended, was adopted.

### **Amendment No. 168**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 183

Amend **CSSB 1**, on page IX-43, by adding a new section and by renumbering the remaining sections accordingly:

"Sec. \_\_\_\_\_. Limitation on Use of Funds for and Placement of Monuments on Capitol Grounds. None of the funds appropriated by this Act, including any gifts, grants or donations, can be used for the design, construction or any other cost associated with the placement of a monument on the Capitol Grounds if the monument depicts an image or likeness substantially similar to that of any current elected or appointed office holder or any former elected or appointed office holder who is still living.

Amendment No. 168 was withdrawn.

### **Amendment No. 169**

Representative Olivo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 184

Amend **CSSB 1**, on Page IX-43, by adding a new section as follows and by renumbering any remaining sections accordingly:

"Sec. \_\_\_\_\_. Prohibition on Use of Funds to Purchase Life Insurance Policies on Employees or Clients. A state agency that is appropriated funds under this Act shall not enter into any agreement for the purchase of life insurance policies on employees or clients for which the agency or the state is designated as a beneficiary to receive the proceeds of the policy."

Amendment No. 169 was adopted.

### **Amendment No. 170**

Representative Hamric offered the following amendment to **CSSB 1**:

Floor Packet Page No. 185

Amend **CSSB 1**, Article IX, Sec. 8.11, on Page IX-49, to read as follows:

Sec. 8.11. Appropriation of Receipts: Credit, Charge, or Debit Card Service Fees. Any fee receipts assessed by an agency for the use of a credit, charge, or debit card for the payment of a fee, tax, penalty, or other charge authorized by law are appropriated to that agency from the fund to which the fee was deposited for the purpose of paying the costs associated with receiving the payment. Any cost recovery fees, excluding subscription fees as defined in Subchapter I, Chapter 2054, Government Code, approved by the TexasOnline Authority as authorized under Chapter 2054, Government Code, are hereby appropriated to that agency from the fund to which the fee was deposited for the purpose of paying the costs associated with implementing and maintaining electronic services. Any unexpended balances from credit, charge, or debit card processing or convenience fees remaining at the end of the fiscal biennium ending August 31, 2005, are reappropriated to the assessing agency from the agency from the fund to which the fee was deposited for the same purposes for the fiscal biennium beginning September 1, 2005.

#### **Amendment No. 171**

Representative Isett offered the following amendment to Amendment No. 170:

Amend Amendment No. 170 to **CSSB 1** by Hamric (page 185, prefiled amendments packet) by striking "for the purpose of paying the costs associated with implementing and maintaining electronic services" and substituting "for any purpose for which money is appropriated to that agency by this Act".

Amendment No. 171 was adopted.

Amendment No. 170, as amended, was adopted.

#### **Amendment No. 172**

Representative Isett offered the following amendment to **CSSB 1**:

Floor Packet Page No. 186

Amend **CSSB 1** in Article IX by striking Section 9.03 (house committee printing, page IX-51) and substituting the following:

Sec. 9.03. STATE DATA CENTERS AND DISASTER RECOVERY SERVICES. (a) In this section:

(1) "Department" means the Department of Information Resources.

(2) "State agency" has the meaning assigned by Section 2054.003, Government Code.

(b) A state agency may not spend money appropriated by this Act to enter into or renew a contract, or issue a purchase order, to establish or maintain data center operations, disaster recovery plan testing services, or disaster recovery services, unless the executive director of the department approves the contract or purchase order.

(c) It is the intent of the legislature that the department prioritize the migration of services to the statewide technology center system based on the size of the current data center operational environment at a state agency, with the largest 25 data center environments ranking highest in priority.

(d) It is the intent of the legislature that, unless the executive director determines that a migration under this section is not cost-effective, the department shall ensure the migration of at least three data center environments to a statewide technology center each fiscal year.

(e) Not later than August 31 of 2006 and 2007, the department shall report on the status of the statewide data center system migration and consolidation under this section, describing reviews and transfers during the fiscal year, and an update on the status of any contracts relating to statewide technology centers. The department shall file the report with:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairs of the house and senate committees with primary oversight over the department;
- (5) the chairs of the senate finance and the house of representatives appropriations committees;
- (6) each member of the Legislative Budget Board; and
- (7) the State Auditor's Office.

(f) It is the intent of the legislature that any consolidation plan adopted by the department to execute this section prioritize and fully use the existing capacity of the State Data Center located on the campus of Angelo State University.

(g) The department shall work with the Legislative Budget Board and the State Auditor's Office to ensure that the state obtains the maximum benefit from the consolidation of State Data Center operations. The department, Legislative Budget Board, and State Auditor's Office shall determine for each affected state agency, including institutions of higher education, specific savings related to labor, facilities, hardware, software, and operational systems by which the state will benefit as a result of the consolidation of data center services and operations.

Amendment No. 172 was adopted.

#### **Amendment No. 173**

Representative Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 189

Amend **CSSB 1** in Part 13, Article IX, of the bill by adding the following appropriately numbered section:

Sec. 13.\_\_\_\_. Contingency Rider: Personal Needs Allowance. (a) This section is contingent on the enactment and becoming law of **HB 24**, or similar legislation of the 79th Legislature, Regular Session, 2005, that results in an increase in the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities to at least \$75.

(b) Reduce the amount of general revenue appropriated to each of the following offices, agencies, or departments in each fiscal year of the biennium under this Act by an amount equal to five percent of the total amount of general revenue appropriated for the relevant fiscal year by this Act to the respective office, agency, or department:

- (1) the office of the governor;
- (2) the senate;
- (3) the house of representatives;
- (4) the office of the attorney general;
- (5) the General Land Office;
- (6) the Department of Agriculture;
- (7) the Railroad Commission; and
- (8) the Supreme Court of Texas.

(c) In addition to other amounts appropriated by this Act to the Health and Human Services Commission, increase the general revenue appropriations to the Health and Human Services Commission in each fiscal year of the biennium in an amount equal to the reductions for that relevant fiscal year made by Subsection (b) of this section to the general revenue appropriations to the offices, departments, or agencies listed in that subsection. The Health and Human Services Commission shall use the appropriated revenue for the sole purpose of increasing the personal needs allowance described by Subsection (a) of this section to \$75.

(d) Adjust totals and methods of financing appropriately.

Amendment No. 173 was withdrawn.

#### **Amendment No. 174**

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 192

Amend **CSSB 1**, in Article X of the bill, by adding the following appropriately numbered rider following the appropriation to the State Auditor's Office:

\_\_\_\_\_. Effectiveness Audit of the Texas Department of Transportation. It is the intent of the legislature that the state auditor, pursuant to the auditor's authority under Section 321.0134, Government Code, use an appropriate portion of the funds appropriated to the State Auditor's Office by this Act to perform an effectiveness audit of the Texas Department of Transportation and evaluate the department's planned use of state money, including fees, tolls, and other revenue sources to support future transportation projects. It is the intent of the legislature that the state auditor complete the audit and submit the audit report not later than January 1, 2007.

Amendment No. 174 was withdrawn.

#### **Amendment No. 175**

Representative Dunnam offered the following amendment to **CSSB 1**:

Floor Packet Page No. 193

Amend **CSSB 1** in ARTICLE 10 by inserting the following appropriately numbered Rider and renumbering subsequent Riders appropriately:

"\_\_\_\_\_. LIMITATION ON EXPENDITURE. Notwithstanding any other provision of this Act and the foregoing appropriations, no officer, employee or agency of the Legislature may spend an amount in excess of 103 percent of \$269,355,580 for this biennium. Any unexpended balance shall be transferred to the Higher Education Coordinating Board for use in the TEXAS GRANTS program."

#### **Amendment No. 176**

Representative Dunnam offered the following amendment to Amendment No. 175:

Amend the Dunnam Amendment (Amendment No. 175) to **CSSB 1** as follows:

(1) On line 1, strike "10" and substitute "X".

(2) Strike lines 3 through 8 and substitute the following:

"\_\_\_\_\_. LIMITATION ON EXPENDITURE. (a) Notwithstanding any other provision of law, the following agencies may not expend funds appropriated by this Act for fiscal year 2006 in excess of 103 percent of the following amounts:

(1) Senate	\$27,428,666
(2) House of Representatives	29,374,863
(3) Legislative Budget Board	3,388,477
(4) Legislative Council	34,281,226
(5) Commission on Uniform State Laws	90,170
(6) State Auditor's Office	14,528,086
(7) Legislative Reference Library	1,132,553

(b) Notwithstanding any other provision of law, the following agencies may not expend funds appropriated by this Act for fiscal year 2007 in excess of 103 percent of the following amounts:

(1) Senate	\$29,502,662
(2) House of Representatives	34,061,815
(3) Legislative Budget Board	3,685,846
(4) Legislative Council	3,685,846
(5) Commission on Uniform State Laws	97,962
(6) State Auditor's Office	14,480,899
(7) Legislative Reference Library	1,238,398"

(4) On page III-40, under Strategy B.1.9, TEXAS GRANT PROGRAM, strike "161,365,448" and substitute "162,529,791".

(5) On page III-40, under Strategy B.1.9, TEXAS GRANT PROGRAM, strike "161,365,447" and substitute "171,510,948".

Amendment No. 176 was adopted.

Representative Pitts moved to table Amendment No. 175.

A record vote was requested.

The motion to table prevailed by (Record 254): 82 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen, R.; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Davis, J.; Delisi; Denny; Driver; Dutton; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hodge; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Truitt; Turner; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anderson; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Gonzales; Gonzalez Toureilles; Hamilton; Herrero; Homer; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Crownover; Dawson; Deshotel; Flores; Giddings; Guillen; Hilderbran; Hochberg; Hope; Hopson; Laney; Madden; McCall; McClendon; Peña; Pickett; Quintanilla; Strama; Taylor.

### STATEMENTS OF VOTE

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Anchia

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 254 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Hochberg

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Peña

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted no.

Strama

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

**Amendment No. 177**

Representative Hochberg offered the following amendment to **CSSB 1**:

Floor Packet Page No. 196

Amend **CSSB 1** Article XI, page XI-8, under the proposals of Department of Family and Protective Services, insert a new proposal for Community Youth Development (CYD) Program in the amount of \$720,105 for fiscal year 2006 and fiscal year 2007.

**Amendment No. 178**

Representative Hochberg offered the following amendment to Amendment No. 177:

Amend the amendment number 177 to read as follows:

Amend **CSSB 1** Article XI, page XI-8, under the proposals of Department of Family and Protective Services to add additional funding for Community Youth Development (CYD) Program in the amount of \$720,105 for fiscal year 2006 and in the amount of \$720,105 for fiscal year 2007.

Amendment No. 178 was adopted.

Amendment No. 177, as amended, was adopted.

**Amendment No. 179**

Representative P. King offered the following amendment to **CSSB 1**:

Floor Packet Page No. 211

Amend **CSSB 1** by deleting the following language on page XI-56:

"Scope of Practice. It is the intent of the Legislature that the coursework used in Texas institutions of higher education for teaching health professions shall conform to the current statutory scope of practice for each health profession in this state."

**Amendment No. 180**

Representative Delisi offered the following amendment to Amendment No. 179:



Amend the P. King amendment to **CSSB 1** (prefiled amendments packet page 211) by striking the text of the amendment and substituting:

Amend **CSSB 1** (House Committee printing, page XI-56) by striking the Rider titled "Scope of Practice" and substituting:

**SCOPE OF PRACTICE.** It is the intent of the Legislature that the courses used in institutions of higher education in this state for teaching health professions shall ensure that students are fully informed of the statutory scope of practice standards in this state, applicable state and national licensing standards, and any differences that may exist between them.

Amendment No. 180 was adopted.

#### **AMENDMENT NO. 179 - STATEMENT OF LEGISLATIVE INTENT**

**REPRESENTATIVE MORRISON:** Mr. King, will this rider in any way restrict the academic freedom of our universities and their ability to engage in research and tracking the latest technologies and procedures?

**REPRESENTATIVE P. KING:** No.

#### **REMARKS ORDERED PRINTED**

Representative Farrar moved to print remarks between Representative Morrison and Representative P. King.

The motion prevailed.

Amendment No. 179, as amended, was adopted. (Anderson and Gonzales recorded voting no.)

#### **Amendment No. 181**

Representative Hodge offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 212

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Department of Agriculture (page XI-64), add the following appropriately numbered rider:

\_\_\_ Appropriation: Fair Park Structural Restoration. In addition to amounts otherwise appropriated by this Act, the sum of \$2,000,000 is appropriated out of the General Revenue Fund to the Department of Agriculture for the fiscal biennium beginning September 1, 2005, to be used for Fair Park structural restoration efforts in the City of Dallas.

(2) Adjust the article totals (page XI-1) and agency totals (page XI-64) accordingly.

#### **Amendment No. 182**

Representative Bonnen offered the following amendment to Amendment No. 181:

Amend the Hodge Amendment to **CSSB 1** (page 212 of prefiled amendments packet) as follows:

(1) Insert the following between lines 10 and 11:

(2) Add the following under the Article XI appropriations to the Parks and Wildlife Department:

\_\_\_\_\_. Levi Jordan Plantation Historic Site. The amount of \$912,000 is appropriated out of the general revenue fund to the Parks and Wildlife Department for the state fiscal biennium beginning September 1, 2005, for the purpose of maintaining and supporting the Levi Jordan Plantation Historic Site.

(2) On line 11, strike "(2)" and substitute "(3)".

Amendment No. 182 was adopted.

Amendment No. 181, as amended, was adopted.

### **Amendment No. 183**

Representative Y. Davis offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 129

Amend **CSSB 1**, as follows:

1. On Page VI-1, Parks and Wildlife Department, increase the appropriation out of the general revenue fund for Strategy B.2.1. Local Park Grants by \$2,887,143 in Fiscal Year 2006 and \$2,887,143 in Fiscal Year 2007; and

2. On Page I-11, Office of the Attorney General amend Section 22 as follows:

22. Contingency Appropriation for **HB 1979**. Contingent upon enactment of **HB 1979**, or similar legislation relating to increasing the bond review fee as authorized by Government Code 1202.004, in addition to amounts appropriated above, the Office of the Attorney General is hereby appropriated to Strategy A.1.1., Legal Services, [~~\$4,815,499~~] \$1,928,356 in fiscal year 2006 and [~~\$4,865,062~~] \$1,977,919 in fiscal year 2007. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 31.0 in fiscal year 2006 and by 34.0 in fiscal year 2007 for the following purposes:

~~[\$2,887,143 in fiscal year 2006 and \$2,887,143 in fiscal year 2007 for salary increases for legal staff;]~~

\$263,919 in fiscal year 2006 and \$379,866 in fiscal year 2007 for the Open Records Division, including 6 FTEs in fiscal year 2006 and 9 FTEs in fiscal year 2007;

\$915,620 in fiscal year 2006 and \$915,620 in fiscal year 2007 for the Cyber Crimes Unit, including 16 FTEs each fiscal year of the biennium; and

\$748,817 in fiscal year 2006 and \$682,433 in fiscal year 2007 for the Post Conviction Litigation Division, including 9 FTEs each fiscal year of the biennium.

In addition and subject to passage of **HB 1979** or similar legislation relating to increasing the bond review fee as authorized by Government Code, 1202.004, the Office of the Attorney General is hereby appropriated to Strategy D.1.1., Medicaid Investigation, \$694,381 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2006 and \$694,309 in General Revenue and \$1,912,293 in Federal Funds in fiscal year 2007, for Medicaid fraud investigations. In addition, the Number of Full-Time Equivalent Positions (FTEs) is hereby increased by 62.7 FTEs each fiscal year of the biennium.

**Amendment No. 184**

Representative Y. Davis offered the following amendment to Amendment No. 183:

Amend Amendment No. 183 proposed by Representative Davis (on page 129, packet) by striking "Article \_\_\_" and substituting "Article XI".

Amendment No. 184 was adopted.

Amendment No. 183, as amended, was adopted.

**ARTICLE XI - AMENDMENTS ADOPTED**

Representative Pitts moved to adopt all amendments prefiled under Article XI (Amendment Nos. 185-210).

The motion prevailed.

**Amendment No. 185 (by J. Keffer)** (Harper-Brown recorded voting no.)

Floor Packet Page No. 195

Contingency Appropriations - **HB 1655**. Contingent upon the enactment of **HB 1655** by the 79th Legislature, Regular Session, 2005, relating to funding for the Texas Statewide Emergency Services Personnel Retirement Fund, appropriations are hereby increased by \$6.7 million each year of the 2006-07 biennium.

**Amendment No. 186 (by Veasey)**

Floor Packet Page No. 197

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Health and Human Services Commission (page XI-10), add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for **HB 2788**; Funding for Supplementary Financial Assistance for Certain Primary Caretakers of a Dependent Child. Contingent on the enactment of **HB 2788** or similar legislation by the 79th Legislature, Regular Session, 2005, relating to the provision of supplemental financial assistance for certain grandparents who are the primary caretakers of dependent children, in addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2005, the amount of \$\_\_\_\_\_ is appropriated out of the general revenue fund to the Health and Human Services Commission for use as provided by that legislation during the state fiscal biennium beginning September 1, 2005.

(2) Adjust the article totals (page XI-1) accordingly.

**Amendment No. 187 (by Farabee)**

Floor Packet Page No. 198

Amend **CSSB 1** in Article XI of the bill by inserting the following rider after the Article XI items for the Health and Human Services Commission:

CHIP Mental Health Benefits. (a) For the state fiscal biennium beginning September 1, 2005, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated from the Economic

Stabilization Fund the amount needed to provide mental health services under the children's health insurance program under Chapter 62, Health and Safety Code, at a level and in a manner that provides significantly more benefits with significantly less stringent eligibility criteria compared to the level and manner at and in which those services were provided under the children's health insurance program during the state fiscal biennium ending August 31, 2005.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

**Amendment No. 188 (by Farabee)**

Floor Packet Page No. 199

Amend **CSSB 1** in Article XI of the bill by inserting the following rider after the Article XI items for the Health and Human Services Commission:

CHIP Mental Health Benefits. (a) For the state fiscal biennium beginning September 1, 2005, in addition to other amounts appropriated by this Act, the Health and Human Services Commission is appropriated from the Economic Stabilization Fund the amount needed to provide mental health services under the children's health insurance program under Chapter 62, Health and Safety Code, at a level and in a manner comparable to the level and manner at and in which those services were provided under the children's health insurance program during the state fiscal biennium ending August 31, 2003.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

**Amendment No. 189 (by Hilderbran)**

Floor Packet Page No. 200

Amend **CSSB 1** (House committee printing), under the Article XI items for the Department of State Health Services (page XI-10), by adding the following rider:

Substance Abuse Prevention and Intervention Services for Bandera, Gillespie, Kendall, Kerr, and Medina Counties. In addition to amounts otherwise appropriated by this Act, the sum of \$205,517 in general revenue is appropriated to the Department of State Health Services to be used for funding substance abuse prevention and intervention services by the Hill Country Council on Alcohol and Drug Abuse or another organization providing those services in Bandera, Gillespie, Kendall, Kerr, and Medina Counties during the state fiscal year beginning September 1, 2005, and the sum of \$205,517 in general revenue is appropriated to the Department of State Health Services to be used for funding substance abuse prevention and intervention services by the Hill Country Council on Alcohol and Drug Abuse or another organization providing those services in Bandera, Gillespie, Kendall, Kerr, and Medina Counties during the state fiscal year beginning September 1, 2006.

**Amendment No. 190 (by Hilderbran)**

Floor Packet Page No. 201

Amend **CSSB 1** (House committee printing) under Article XI items for the Department of State Health Services (page XI-10), by adding the following rider:

Adding five Security Worker III positions for the Kerrville State Hospital. In addition to amounts otherwise appropriated by this Act, the sum of \$92,220 per year in general revenue is appropriated to the Department of State Health Services to be used for funding five additional security workers by the Kerrville State Hospital during the state fiscal year beginning September 1, 2005, and the sum of \$92,220 in general revenue appropriated to the Department of State Health Services to be used for funding five additional security workers by the Kerrville State Hospital during the state fiscal year beginning September 1, 2006.

**Amendment No. 191 (by Kolkhorst)**

Floor Packet Page No. 202

**Texas Education Agency  
Proposed Floor Amendment to CSSB 1**

**Overview**

The following motion would increase General Revenue appropriations in Article XI of **CSSB 1** to increase the state match for the Adult Education program.

**Required Action**

1) Make the following adjustments:

<b>Page</b>	<b>Agency</b>	<b>Action</b>	<b>2006</b>	<b>2007</b>
XI-13	Texas Education Agency	A.2.5., Adult Education and Family Literacy	6,800,000	6,800,000

2) On page XI-13, increase General Revenue appropriations to the Texas Education Agency by \$6,800,000 in each year of the 2006-07 biennium for the purpose of increasing the state match for the Federal adult education program.

3) Make appropriate adjustments to all related riders and measures.

**Amendment No. 192 (by Escobar)**

Floor Packet Page No. 203

**Proposed Text Change  
Add Proposal to Increase State Contribution Rate to Teacher Retirement  
System to Article XI**

**Overview**

Add a proposal to Article XI that would increase the appropriation to Strategy A.1.1, TRS-Public Education Retirement, and Strategy A.1.2, TRS-Higher Education Retirement, to reflect an increase in the state contribution rate to the Teacher Retirement System pension fund from 6 percent of payroll to 7 percent of payroll beginning in fiscal year 2007.

**Required Action**

Amend the page XI-16 of the Teacher Retirement System Proposals in Article XI as follows:

**Teacher Retirement System**

<b>Method of Financing</b>	For the Years Ending	
	<u>August 31, 2006</u>	<u>August 31, 2007</u>
General Revenue Fund	\$21,850,424	<del>\$22,752,145</del> <u>\$254,622,164</u>
GR-Dedicated-Estimated      Other Educational and General      Income Account No. 770	\$869,177	<del>\$913,635</del> <u>\$11,698,183</u>
Other Funds	\$20,894	<del>\$21,939</del> <u>\$265,307</u>
<b>Total, Method of Financing</b>	\$22,740,495	<del>\$23,687,719</del> <u>\$266,585,654</u>
<b>Proposals:</b>		
<b>A.1.1.Strategy:</b> TRS-Public Education Retirement. Eliminate the 90-day delay for eligibility for TRS membership, public education retirement.	\$19,080,017	\$19,843,218
<b>A.1.2. Strategy:</b> TRS-Higher Education Retirement. Eliminate the 90-day delay for eligibility for TRS membership, higher education retirement.	\$3,660,478	\$3,843,501
<u><b>A.1.1.Strategy:</b> TRS-Public Education Retirement. Increase the state contribution rate to 7.00 percent beginning in fiscal year 2007.</u>	<u>\$ -</u>	<u>\$197,492,310</u>
<u><b>A.1.2.Strategy:</b> TRS-Higher Education Retirement. Increase the state contribution rate to 7.00 percent beginning in fiscal year 2007.</u>	<u>\$ -</u>	<u>\$45,406,626</u>
<b>Grand Total, Teacher Retirement System</b>	\$22,740,495	<del>\$23,686,719</del> <u>\$266,585,655</u>
	<u>\$ -</u>	

**Amendment No. 193 (by West)**

Floor Packet Page No. 205

Amend **CSSB 1** in Article XI after the provisions for the Higher Education Coordinating Board (page XI-17) by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

**CONTINGENCY APPROPRIATION: BILL ENACTING FEE ON TELEPHONE BILLS.** Contingent on enactment and becoming law of legislation enacting a fee on telecommunications bills, there is appropriated to the Texas Higher Education Coordinating Board all amounts collected from the fee during the 2006-2007 fiscal biennium. The Texas Higher Education Coordinating Board may use the appropriated money only to restore for universities under the board's jurisdiction FY 2006-2007 Formula and Non-Formula Funding to FY 2004-2005 levels. If the fee does not raise sufficient revenue to restore all funding, the Coordinating Board shall prioritize the funding according to a study of greatest need conducted by the Coordinating Board and delivered to the Legislative Budget Board.

**Amendment No. 194 (by Merritt)**

Floor Packet Page No. 206

Amend **CSSB 1** in Article XI of the bill by adding the following rider following the Article XI items for The University of Texas at Austin (house committee printing, page XI-20):

**APPROPRIATION FOR STUDY OF EAST TEXAS OIL FIELDS.** Contingent on certification by the comptroller that a study made of the East Texas Oil Field by the Bureau of Economic Geology for the purpose of determining measures to be taken to maximize the recovery of the remaining oil and gas in the field would generate sufficient revenue for the state to justify the cost of the study, the amount of \$2.2 million is appropriated out of the general revenue fund to The University of Texas at Austin for use by the Bureau of Economic Geology during the state fiscal biennium beginning September 1, 2005, for the purpose of conducting the study.

**Amendment No. 195 (by West)**

Floor Packet Page No. 207

Amend **CSSB 1** as follows:

(1) Add the following rider following the Article XI items for The University of Texas at Austin:

**Appropriation for Study of Winkler County Sinkholes.** The amount of \$164,500 is appropriated out of the General Revenue Fund to The University of Texas at Austin for use by the Bureau of Economic Geology during the state fiscal biennium beginning September 1, 2005, to conduct a study, in coordination with The University of Texas of the Permian Basin, of the Winkler County sinkholes and related issues of groundwater protection and public safety monitoring devices.

(2) Add the following rider following the Article XI items for The University of Texas of the Permian Basin:

Appropriation for Study of Winkler County Sinkholes. The amount of \$109,500 is appropriated out of the General Revenue Fund to The University of Texas of the Permian Basin for use during the state fiscal biennium beginning September 1, 2005, to conduct a study, in coordination with the Bureau of Economic Geology of The University of Texas at Austin, of the Winkler County sinkholes and related issues of groundwater protection and public safety monitoring devices.

(3) Adjust totals and methods of financing appropriately.

**Amendment No. 196 (by West)**

Floor Packet Page No. 208

Amend **CSSB 1** in Article XI of the bill as follows:

(1) In the items of appropriation to The University of Texas of the Permian Basin (page XI-23, House Committee Printing):

(A) Strike the amount of appropriation for the state fiscal year ending August 31, 2006, for the proposal "John Ben Shepperd Public Leadership Institute—Leadership in Schools (Expansion)" and substitute "\$269,922".

(B) Strike the amount of appropriation for the state fiscal year ending August 31, 2007, for the proposal "John Ben Shepperd Public Leadership Institute—Leadership in Schools (Expansion)" and substitute "\$277,922".

(C) Strike the amount of appropriation for the state fiscal year ending August 31, 2006, for the proposal "Permian Basin Center for Energy Technology Transfer Center for Energy and Economic Diversification (CEED) (Expansion)" and substitute "\$526,221".

(D) Strike the amount of appropriation for the state fiscal year ending August 31, 2007, for the proposal "Permian Basin Center for Energy Technology Transfer Center for Energy and Economic Diversification (CEED) (Expansion)" and substitute "\$546,221".

(2) Following the items of appropriation to The University of Texas of the Permian Basin (page XI-23, House Committee Printing), add the following appropriately numbered rider:

\_\_\_\_\_. **ADDITIONAL OPERATING FUNDS.** In addition to any other amounts appropriated by this Act to The University of Texas of the Permian Basin, the amount of \$2,206,966 is hereby appropriated from the general revenue fund to The University of Texas of the Permian Basin for the state fiscal biennium beginning September 1, 2005, to provide instructional and operations support at the university.

(3) Adjust totals and methods of financing appropriately.

**Amendment No. 197 (by J. Keffer)**

Floor Packet Page No. 209

For the Years Ending  
August 31, 2006      August 31, 2007



**I.1.1. Strategy:** ACADEMIC \$216,500 \$0  
EDUCATION  
Funding for Cisco Junior College's  
Dramatic Enrollment Growth

**Funding for Cisco Junior College's Dramatic Enrollment Growth.**  
Amend **CSSB 1** in Article XI, Items for Future Consideration, page XI-50 to reflect an increase in general revenue funding for Cisco Junior College's Strategy I.1.1., Academic Education by \$216,500 in fiscal year 2006.

**Amendment No. 198 (by J. Keffer)**

Floor Packet Page No. 210

Amend **CSSB 1** in Article XI, Items for Future Consideration, on Page XI-53 to reflect an increase in general revenue funding for Texas Cooperative Extension Strategy D.1.1., Leadership Development by \$262,250 in fiscal year 2006.

	For the Years Ending
	<u>August 31, 2006</u> <u>August 31, 2007</u>

**D.1.1. Strategy:** LEADERSHIP \$262,250 \$0  
DEVELOPMENT  
Funding for maintenance and  
reconstruction for the Texas 4-H  
Center's facilities.

**Amendment No. 199 (by Bailey)**

Floor Packet Page No. 213

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Water Development Board (page XI-69), add the following appropriately numbered rider:

\_\_\_\_. Contingent Appropriation: Economically Distressed Areas in Harris County and Fort Bend County. (a) Contingent on the availability of funds, the sum of \$15,100,000 is appropriated out of the General Revenue Fund to the Texas Water Development Board for the state fiscal biennium beginning September 1, 2005, to be used as follows:

(1) \$15,000,000 to be deposited to the credit of the Water Assistance Fund No. 480 and to be transferred by the Texas Water Development Board to the Water Loan Assistance Fund No. 481 to be used by the board to make grants to political subdivisions in Harris County and Fort Bend County for projects that provide adequate water or wastewater service to areas:

(A) in which water and wastewater services are inadequate to meet minimal needs for residential use; and

(B) that have a median household income that is not greater than 75 percent of the median state household income; and

(2) \$50,000 in each year of the biennium to support one additional full-time equivalent employee of the Texas Water Development Board to administer the program.

(b) Any unexpended balances of the amount appropriated under Subsection (a)(2) of this rider for the state fiscal year beginning September 1, 2005, are appropriated for the purpose specified by that subsection for the state fiscal year beginning September 1, 2006.

(c) The number of full-time equivalent employee positions otherwise authorized by this Act for the Texas Water Development Board is increased by one for each fiscal year of the state fiscal biennium beginning September 1, 2005, as provided by Subsection (a)(2) of this rider.

(d) A full-time equivalent employee described by this rider is not counted for purposes of determining whether a provision of this Act that requires a percentage reduction in the full-time equivalent employee limit shown in the bill pattern of a state agency applies to the Texas Water Development Board.

(2) Adjust the article totals (page XI-1) accordingly.

#### **Amendment No. 200 (by Bailey)**

Floor Packet Page No. 215

Amend **CSSB 1** as follows:

(1) Under the Article XI appropriations to the Water Development Board (page XI-69), add the following appropriately numbered rider:

\_\_\_\_. Contingent Appropriation: Economically Distressed Areas in Harris County and Fort Bend County. (a) Contingent on the enactment and becoming law of **HB 467** or similar legislation of the 79th Legislature, Regular Session, that qualifies Harris County and Fort Bend County for the economically distressed areas program, the sum of \$15,100,000, in addition to amounts otherwise appropriated by this Act, is appropriated out of the General Revenue Fund to the Texas Water Development Board for the state fiscal biennium beginning September 1, 2005, to be used as follows:

(1) \$15,000,000 to be transferred to the economically distressed areas program account to be used by the Texas Water Development Board to provide financial assistance to political subdivisions in Harris County and Fort Bend County; and

(2) \$50,000 in each year of the biennium to support one additional full-time equivalent employee of the Texas Water Development Board to administer the economically distressed areas program.

(b) The number of full-time equivalent employee positions otherwise authorized by this Act for the Texas Water Development Board is increased by one for each fiscal year of the state fiscal biennium beginning September 1, 2005, as provided by Subsection (a)(2) of this rider.

(2) Adjust the article totals (page XI-1) accordingly.

#### **Amendment No. 201 (by Campbell)**

Floor Packet Page No. 216

##### Required Action

On page XI-68 of Items for Future Consideration, add the following new rider:

Appropriation: Concho River Erosion Control. In addition to the amounts appropriated above in Strategy A.1.1, Program Management and Assistance, there is hereby appropriated to the Soil and Water Conservation Board \$443,000 out of the General Revenue Fund for the fiscal year beginning on September 1, 2005. These funds shall be used for erosion control and to improve bank stability along the Concho River from the Celebration Bridge to the Bell Street Lake in the City of San Angelo.

Any unexpended balance remaining in this appropriation on August 31, 2006, is hereby appropriated to the Soil and Water Conservation Board for the same purposes for the fiscal year beginning on September 1, 2006.

**Amendment No. 202 (by Campbell)**

Floor Packet Page No. 217

Required Action

On page XI-68 of Items for Future Consideration, add the following new rider:

Appropriation: Brush Removal in the Twin Buttes Reservoir Basin. In addition to the amounts appropriated above in Strategy C.1.1, Water Conservation and Enhancement, there is hereby appropriated to the Soil and Water Conservation Board \$565,000 out of the General Revenue Fund for the fiscal year beginning on September 1, 2005. These funds shall be used for the removal of brush, including saltcedar and baccheris, in cooperation with the Upper Colorado River Authority in the Twin Buttes Reservoir basin.

Any unexpended balance remaining in this appropriation on August 31, 2006, is hereby appropriated to the Soil and Water Conservation Board for the same purposes for the fiscal year beginning on September 1, 2006.

**Amendment No. 203 (by Campbell)**

Floor Packet Page No. 218

Required Action

On page XI-69 of Items for Future Consideration, add the following new rider:

Appropriation: Brackish Groundwater Desalination in Tom Green County. In addition to the amounts appropriated above, The Texas Water Development Board is hereby appropriated \$300,000 out of the General Revenue Fund for the biennium beginning September 1, 2005. This amount shall be transferred to the Water Assistance Fund No. 480 and used by the Board to provide grants for engineering, design, and permitting costs associated with the development of a brackish groundwater desalination plant in Tom Green County. The Board shall award grants by selecting from applicants submitting statements of interest to the Board.

**Amendment No. 204 (by Guillen)**

Floor Packet Page No. 219

Amend **CSSB 1** in Article XI, items for future consideration, on page II-104 to add the following contingency rider.

Contingency Appropriation: Contingent on legislation relating to rural emergency air trauma safety service regions (**HB 2610**) by the Seventy-Ninth Legislature, Regular Session, the Department of State Health Services is hereby appropriated any revenue collected under Transportation Code Section 502.1706 and deposited in the Air Trauma Safety Services Regions Account for the purposes of implementing the bill

**Amendment No. 205 (by Hilderbran)**

Floor Packet Page No. 220

Amend **CSSB 1** in Article XI by adding the following:

**COMPTROLLER OF PUBLIC ACCOUNTS**

\_\_\_\_\_. **CONTINGENCY APPROPRIATION: HB 5.** Contingent on enactment and becoming law of **HB 5**, or similar legislation of the 79th Legislature, Regular Session, 2005, that results in an increase in the rates of the motor fuels taxes imposed on gasoline and diesel fuel, from the amounts otherwise appropriated above to the Texas Department of Transportation from State Highway Fund No. 006, there is appropriated to the comptroller of public accounts an amount equal to 10 percent of the amounts collected from the motor fuels tax imposed on gasoline and diesel fuel under Chapter 162, Tax Code, that are deposited to the credit of the state highway fund and that are attributable to the portion of the tax rate in excess of 20 cents for each net gallon of gasoline or diesel fuel or fractional part. The comptroller of public accounts shall use the appropriated revenue to provide money to counties for the support of the county road system under the special county road assistance program as authorized by Subchapter D, Chapter 445, Local Government Code.

**Amendment No. 206 (by Villarreal)**

Floor Packet Page No. 221

Amend **CSSB 1** under the by the following to Article XI

Contingency for **HB 405**: Supplemental financial assistance to certain primary caretakers of a child receiving financial assistance. Contingent upon the passage of **HB 405** or similar legislation by the 79th Legislature, Regular Session, the state shall allocate \$2 million for the Department of Protective and Family services in order to expand the definition of relatives who are eligible for financial assistance granted for the support of a dependent child under Section 31.003, and to make the adjustments regarding resource determinations as provided by **HB 405**.

**Amendment No. 207 (by Villarreal)**

Floor Packet Page No. 222

Amend **CSSB 1** by adding the following to Article XI:

Contingency for **HB 691**: Health Literacy Pilot Program for parents receiving Medicaid. Contingent upon the enactment of **HB 691** or similar legislation by the 79th Legislature, Regular Session, \$50,000 should be

appropriated for the purpose of creating a pilot program for health literacy training for parents enrolled in Medicaid in Bexar County. These funds may be matched by federal funds.

**Amendment No. 208 (by Alonzo)**

Floor Packet Page No. 223

Amend **CSSB 1** as follows:

(1) Add the following rider following the Article XI items for The University of North Texas:

APPROPRIATION FOR CENTER FOR MEXICAN-AMERICAN STUDIES. The amount of \$200,000 is appropriated out of the General Revenue Fund to The University of North Texas to establish and operate a Center for Mexican-American Studies during the state fiscal biennium beginning September 1, 2005. The University of North Texas may use any available funds, including legislative appropriations made to the university for instruction, operations, or infrastructure support, federal funds, or gifts or grants to establish or operate the center. All funds collected by the Center for Mexican-American Studies at the University of North Texas are hereby appropriated to the university for the establishment and operation of the center.

(2) Adjust totals and methods of financing appropriately.

**Amendment No. 209 (by J. Keffer)**

Floor Packet Page No. 224

Add the following appropriately numbered rider to Article XI:

\_\_\_\_\_. CONTINGENCY APPROPRIATION: TEXAS ENTREPRENEURSHIP NETWORK. Contingent upon the enactment of **HB 1747** by the 79th Legislature, Regular Session, 2005, relating to the creation of and funding for the Texas ENTREPRENEURSHIP Network, \$15.204 million is appropriated to the Texas ENTREPRENEURSHIP Network Fund.

**Amendment No. 210 (by Campbell)**

Amend **CSSB 1** as follows:

1) On page XI-62, in the Department of Public Safety's bill pattern, increase the State Highway Funds appropriation in Strategy F.1.6, Physical Plant, by \$1,332,085 in fiscal year 2006.

2) Add the following rider to Article XI, on Page XI-62:

\_\_\_\_\_. Construction of Snyder Office. From State Highway Funds appropriated above in Strategy F.1.6, Physical Plant, and in addition to the provisions of Rider 2, Capital Budget, the Department of Public Safety shall use \$1,332,085 in fiscal year 2006 for construction of a Snyder Office. If land is donated for the project, the appropriations in Strategy F.1.6. Physical Plant, shall be reduced by \$152,000.

**Amendment No. 211**

Representative Y. Davis offered the following amendment to **CSSB 1**:

Amend **CSSB 1**, as follows:

1) On Page I-53, Trusteed Programs within the Office of the Governor, strike Section 25, Contingency Appropriation for **SB 1177**, in its entirety; and

1) On Page VII-35, Texas Workforce Commission, add the following new section and renumber any remaining sections accordingly:

30. Contingency Appropriation for **SB 1177**. In addition to the amounts appropriated above and contingent upon the enactment of **SB 1177**, or similar legislation by the Seventy-ninth Legislature, Regular Session, 2005, creating a new funding source for skills development, the Texas Workforce Commission is hereby appropriated \$25,000,000 in Fiscal Year 2007 for Strategy A.2.1. Skills Development and \$6,000,000 in Fiscal Year 2007 for Strategy A.2.2. Self Sufficiency. In addition, contingent upon the enactment of **SB 1177** or similar legislation, the Commission is authorized to transfer funds appropriated to Strategies A.2.1. and A.2.2. in Fiscal Year 2007 to Fiscal Year 2006 for the purpose of balancing the total appropriations between fiscal years.

#### **Amendment No. 212**

Representative Y. Davis offered the following amendment to Amendment No. 211:

Amend Amendment No. 211 proposed by Representative Davis by striking "Article VII" and substituting "Article XI".

Amendment No. 212 was adopted.

Amendment No. 211, as amended, was adopted.

#### **CSSB 1 - REMARKS BY REPRESENTATIVE PITTS**

Mr. Speaker, members, I am asking your support for **CSSB 1**. As I said at the beginning of this debate, **CSSB 1** makes great strides in funding the most critical areas of our budget with significant increases in funding overall. In total we've added \$10.9 billion to our budget. The budget increases funding for public education at \$5.2 billion. We've increased funding for health and human services by \$4.4 billion. These are dramatic increases.

Members, I think that you'll agree that the strongest measures of success of the legislature is how well we meet the needs of public education and health and human services. We have met these needs.

This is a strong, sound, and responsible budget. It has reduced government, where necessary, while dramatically increasing funding for our highest priority. This is a budget that every member of this chamber should be proud to support. Members, with every budget—this has been a long process and one that I have been proud to have guided, but I haven't done it alone. I had the unanimous support of the members of the committee, and tonight, members, I ask for your support for **CSSB 1**. Mr. Speaker, I move passage.

#### **CSSB 1- REMARKS BY REPRESENTATIVE COLEMAN**

Thank you, Mr. Speaker and members. I appreciate the opportunity to use the public hall and represent my constituents because I think that is what we are all here for. And I don't apologize for being a no vote on this bill and I don't think I should have to. I think Mr. Pitts has done an excellent job and he is probably

one of the nicest people that you ever want to meet in this process, and that's absolutely true. I don't think that there is anyone who would say that Jim Pitts, and I was about to call him John because I did that earlier today and I was thinking about his brother and him who are excellent folks. And I, you know, really hate to get up here and speak no on the bill, but I think there is some, some very good reasons to do so, and I won't belabor the point.

First of all, one of the main reasons to do so is because this bill does not bring back the number of kids, in terms of the number of spaces that are available in the Children's Health Insurance Program, so that the 1.4 million uninsured children that we have in this state would be reduced by the 175,000 slots or spaces for health insurance that would be available by restoring the program to its '02-'03 levels. It's great that the vision and dental has been restored, but as a consequence there are children out there that, if they had been around two years ago or two and a half years ago, they would have had access to health coverage, but because we haven't had the will to add the additional dollars to this appropriations bill, then that means that those children in the State of Texas would go without. And let me be clear that 1.4 million uninsured kids increased based on that number done in 2003 by the 175,000 kids that were cut off the CHIP program and that actually took the number of uninsured children to 1,575,000 children.

The other thing that has not been accomplished in this bill, is that the elderly, disabled individuals on Medicaid have lost their mental health coverage, their eye glasses coverage, and their hearing aid coverage, and their podiatry coverage. And we are talking about, about 80,000 seniors and disabled individuals, members, and that's a lot of people not to have the basic needs that they have to have to survive in this state. We have also not restored the medically needy program, and that's a program that says the people who would go bankrupt, but without the help of the state on their, with their, health needs when they have catastrophic illness in the family, that we haven't brought that back. If you look at the TEXAS Grants Program, and providing a college education for individuals in this state, we have actually gone backwards, and as a matter of fact, if we look at the cost that is passed on to middle-class Texans by this bill based on the fact that tuition has to make up for the lack of expenditures in these bills. I thought I would run some things out to you, that there are certain institutions, particularly one, and not particularly one, but Texas Tech University's tuition—since tuition was deregulated in the fall of 2003—has gone up 48 percent. The tuition and fees at the University of Houston downtown, which is in Jessica Farrar's district and partially in mine, have gone up 40 percent over that same period of time. The increase at the University of North Texas was 42 percent since the fall 2003, and in terms of the University of Houston, even the University of Houston downtown, and the main campus, it just went up another five percent today over there, some 40 percent increase that already occurred. The Texas A&M system just approved increases in their fall 2005 across their system. And the students at Prairie View A&M University have increases of up to \$61.50 per credit hour. Now, the seniors at UT will be paying 45 percent more on average in tuition than they did in their freshmen year. And these are the costs that we are passing on to the people of the

State of Texas through this budget. And so, as much as I really care for the people that worked hard, cause I've been in the same position before—I think the *Dallas Morning News* laid it out very well when they said, "Just not enough." It just doesn't get there. It falls short of what the needs are in the State of Texas. And, that doesn't mean good things haven't been done, but that it falls short of making that mark of what we need in this state. So, I would urge you to vote no on this bill, and hopefully it has been laid out by the members here, that have debated this bill, that something different will come back in the conference committee report that really rises to the occasion of an enthusiastic yes vote, instead of an unenthusiastic no or yes. I think it is better to make a decision based on the merits, and the merits of this bill say no for now and let's see what comes back in the conference committee report.

### **CSSB 1 - REMARKS BY REPRESENTATIVE GALLEGO**

Thank you, Mr. Speaker and members. I'd like to start by thanking Mr. Pitts. Mr. Pitts, I think that more than any other person or individual you have done a great deal to restore civility in this chamber to make sure that members felt like they had someone to talk to regarding their important issues. And you have an incredibly difficult job. I find it hard to do this because I have worked with Mr. Pitts for years on Appropriations and on other committees, but let me go through five points very quickly.

There's no more money for **CSSB 1** in that we are essentially spending all the money on the Rainy Day Fund. It is already gone. This bill funds fewer kids in the Children's Health Insurance Program than that are on the rolls today. The Health and Human Services Commission website indicates 330,000. This bill funds 324,000. Seventy of you in this chamber voted against **HB 2**. This bill has \$3 billion set aside that will only be sent to schools if **HB 2** passes. Why would you vote for that? There's no state employee pay raise, no teacher pay raise, no prison guard pay raise, no DPS pay raise. All of that is in Article XI. It's a wish list, everything is in Article XI. And there are 2,300 people that are taken off of waiting lists, which may sound okay, but we don't think about the other 50 to 60 thousand people that are still on the waiting list. Waiting, and waiting, for up to ten years—and MHMR, Disabled and Home Services, etc. From 2002-2003, in that biennium, our budget was \$116 billion, \$116 billion. In four years, our budget has gone up by \$23 billion. It's an increase about 20 percent, \$23 billion, and yet out of that increase of \$23 billion we haven't funded a single extra kid on CHIP. We haven't bought a single pair of eyeglasses. We haven't helped the folks in the education community with their pass-through on health insurance. There's so much left to do, and none of it is done.

I will tell you that Mr. Pitts has done a great, great, great job. We can be very proud, in my view, of the process. The product leaves a little bit to be desired, and it is my hope that as Mr. Pitts takes this bill to conference, those items that I talked about will get better so that when the bill comes back from conference, I really desperately want to have something to vote for. I appreciate your consideration, and I'd ask you, because of those things, to vote no on **CSSB 1**.



**CSSB 1 - REMARKS BY REPRESENTATIVE PITTS**

Mr. Speaker, members. First, I want to thank a fantastic committee that worked hard for long hours to bring you this bill tonight, and I've had so much help with my vice-chair, Vilma Luna, that has run so many traps for me and that has put out so many fires, and I want to thank Vilma. Caasi Lamb from what we call the hack staff, Appropriations Committee staff, and her crew have been very helpful, and we appreciate everything y'all have done. Anita and John, from the LBB, have been so helpful to us, and all the other people from the LBB, and we want to appreciate them too. We couldn't do it without Don Green. He can't hear a thing so he agrees with all of us and we sure appreciate Don. Members, I want to thank the speaker for giving us an opportunity to present this bill to you tonight.

Let me tell you the process. And I know some of the first year members that wonder what's going to happen now—we will go into conference. And, members, we're looking for more money as I know as David Leibowitz came to me yesterday -he said, "I think I found you some money." I hear that all the time. We're hoping with sales tax increases, with gas and oil price increases, that we will be able to come back to you and fund some of the items that are in our Article XI, but I will tell you that some of our top priorities are those priorities that I just mentioned. We want to give state employees pay raises, we want to give the DPS officers pay raises, we want to give judges pay raises, and I feel like we will be able to find the money for that. We are going to try to address the CHIP problems, and we have restored already the vision, and the dental, and the hospice, and some of the mental health. We hope to bring that back to you in our conference report with some of those other restorations. Garnet, we are going to try to find more slots for our CHIP population and our Medicaid population. And I pledge you that we will attempt to do that. We will attempt to bring you back with additional money that we hope that will be provided to us before the end of this session with a bill that each and every one of y'all will vote for. I request for your vote tonight, favorably, for **CSSB 1**.

A record vote was requested.

**CSSB 1**, as amended, was passed to third reading by (Record 255): 105 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farrar; Gallego; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Puente; Quintanilla; Rodriguez; Solis; Strama; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Flores; Goolsby; Raymond.

### STATEMENTS OF VOTE

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted no.

Flores

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted yes.

Goolsby

When Record No. 255 was taken, my vote failed to register. I would have voted no.

Raymond

### REASONS FOR VOTE

We believe that providing sufficient funds for essential state services is one of the most important tasks of the Texas Legislature. We take that responsibility very seriously, and we made a carefully considered decision to vote against **CSSB 1** because its funding priorities are out of balance with the most important needs of the people of Texas. Given existing and potential revenue sources available to the 79th Legislature, we believe the house could have spent our tax dollars more wisely to deliver state services more effectively today and prevent more serious state budget problems in the future.

For example, Texas has the highest percentage of uninsured children in the nation, but **CSSB 1** does not restore health insurance for a single one of the 175,000 children who were cut from Children's Health Insurance coverage under the CHIP program in 2003. In fact, **CSSB 1** will actually cover 1,670 fewer children than were covered in May of 2001 when the program was only a year old. Likewise, **CSSB 1** fails to restore most of the \$3.7 billion in cuts made to public education in 2003, and inadequate state funding for higher education threatens to cause more drastic college tuition increases. At the same time, **CSSB 1** would make TEXAS Grant funds available to help 18,000 fewer students struggling with higher tuition rates that threaten to deny many young Texans access to a college education.

In 2003, we passed a \$118 billion budget. The budget we are debating today is approximately \$21 billion more than the budget we passed two years ago. Despite spending \$21 billion more than we did two years ago, our colleagues have failed to prioritize funding for vital programs and services like CHIP,

TEXAS Grants, and textbooks for our school children. Somehow, despite an extra \$21 billion spent in this budget, our colleagues have been unable to find \$140 million to fully restore CHIP, \$200 million to fully restore TEXAS Grants, or \$350 million to fully fund textbooks for our school children.

The budget and revenue plan laid out in **CSSB 1**, **HB 2**, and **HB 3** is not fiscally balanced and fails to provide a prescription for healthier families, a stable funding system for better schools, or a foundation for a more prosperous future. We cannot vote for a proposed budget that represents a string of broken promises to Texans.

A. Allen, Alonzo, Anchia, Burnam, Castro, Coleman, Y. Davis, Deshotel, Dunnam, Escobar, Farrar, Gallego, Gonzales, Gonzalez Toureilles, Herrero, Hochberg, Hodge, J. Jones, Leibowitz, Martinez Fischer, J. Moreno, P. Moreno, Naishtat, M. Noriega, Oliveira, Olivo, Puente, Quintanilla, Raymond, Rodriguez, Strama, Thompson, Veasey, Vo

I voted against **CSSB 1** (General Appropriations Bill) because its funding priorities are out of line with the district I represent. Given existing and potential revenue sources for our state budget, I believe the house could have spent our tax dollars in a manner that would have benefited hardworking Texas families.

**CSSB 1** funds fewer children in the Children's Health Insurance Program (CHIP). Texas has the highest percentage of uninsured children in the nation, but **CSSB 1** does not restore health insurance for one of the 175,000 children who were cut from the budget in 2003.

In addition to the cuts to CHIP, **CSSB 1** provides no assistance to the approximately 50,000-60,000 Texans who are on waiting lists for mental health services, disabled services, and in-home medical services.

Moreover, **CSSB 1** does not provide pay raises for teachers, state employees, state troopers, and prison guards. All these raises have been placed in the budget as contingency items, meaning there is no assurance those pay raises will be funded. I cannot in good conscience vote for a state budget that denies a guaranteed raise for hardworking state employees, especially when there are funds available.

Finally, **CSSB 1** does not restore health insurance stipends to our teachers and school employees that were promised and later revoked by the house leadership.

I cannot vote for a budget that represents a string of broken promises to Texans.

Martinez Fischer

**SB 1 ON THIRD READING**  
**(Pitts - House Sponsor)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Pitts moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 1** on its third reading and final passage.

The motion prevailed by (Record 256): 140 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Burnam; Coleman; Farrar; Noriega, M.; Olivo; Raymond; Rodriguez.

Present, not voting — Mr. Speaker(C).

Absent — Corte; Hilderbran.

### STATEMENTS OF VOTE

When Record No. 256 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 256 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

The speaker laid **SB 1** before the house on its third reading and final passage.

**SB 1** was read third time.

### REMARKS ORDERED PRINTED

Representative Herrero moved to print closing remarks on **CSSB 1**.

The motion prevailed.

### **SB 1 - (consideration continued)**

#### **Amendment No. 1**

Representative Anchia offered the following amendment to **SB 1**:

Amend **SB 1** on third reading in Article XI of the bill, in the riders following the items for the Higher Education Coordinating Board, at the end of the rider entitled "Chiropractic Colleges" (added by Second Reading Floor Amendment No. 102 by Brown of Dallas, as amended), by inserting the following:

In addition to any other amounts appropriated by this Act to the Higher Education Coordinating Board, the amount of \$250,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2006, and the amount of \$250,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2007, to the Higher Education Coordinating Board to contract with Parker Chiropractic College for the purpose of preparation or instruction of Texas resident undergraduate chiropractic students as doctors of chiropractic.

Amendment No. 1 was adopted.

### **HCR 142 - ADOPTED**

**(by Dunnam, Mowery, Eiland, J. Jones, McCall, et al.)**

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HCR 142**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 142**, Congratulating Coach Kim Mulkey-Robertson and the Baylor Lady Bears for winning the 2005 NCAA Women's National Basketball Championship.

**HCR 142** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HCR 142** as signers thereof.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, upon final adjournment today, E2.036, for a public hearing, to consider bills previously posted for 8 a.m.

### **SB 1 - (consideration continued)**

#### **Amendment No. 2**

Representative Dunnam offered the following amendment to **SB 1**:

Amend **SB 1**, on third reading, in ARTICLE 1, Building and Procurement Commission, on page I-19, by inserting the following appropriately numbered Rider and renumbering subsequent Riders appropriately:

"\_\_\_. BARBARA C. JORDAN STATE OFFICE BUILDING. Of the funds appropriated by this Act, the Building and Procurement Commission shall to affix all necessary signage designating the state office building located at 105 West 15th Street in Austin, Texas, the Barbara C. Jordan State Office Building."

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 257): 61 Yeas, 76 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Bohac; Brown, F.; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Herrero; Hochberg; Hodge; Homer; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Bonnen; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Blake; Corte; Deshotel; Geren; Haggerty; Hilderbran; Isett; Keffer, J.; Luna; McCall; Phillips; Thompson.

### STATEMENTS OF VOTE

When Record No. 257 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Hilderbran

I was shown voting no on Record No. 257. I intended to vote present, not voting.

Straus

### Amendment No. 3

Representative Hartnett offered the following amendment to **SB 1**:

1) In Article XI, add the following amendment.

\_\_\_ Contingency Appropriation for **SB 368**. Contingent on passage of **SB 368** or similar legislation by the Seventy-ninth Legislature relating to compensation of state judges, and the Comptroller of Public Accounts issuing a finding of fact certifying additional revenue collections from fees, fines, and court costs during the 2006-07 biennium in General Revenue that exceed the Comptroller of Public Accounts Biennial Revenue Estimate for these items by at least \$105,000 in fiscal year 2006 and \$105,000 in fiscal year 2007, the Office of Court Administration is appropriated \$105,000 in fiscal year 2006 and \$105,000 in fiscal year 2007 out of the General Revenue Fund in Strategy A.1.2, Information Technology, for the purpose of implementing live broadcasts of

Supreme Court proceedings over the Internet and for the purpose of purchasing information technology hardware and software for the Supreme Court. Any unexpended balances of these funds remaining as of August 31, 2006 are hereby appropriated to the Office of Court Administration for the fiscal year beginning September 1, 2006 for the same purposes.

Amendment No. 3 was adopted.

A record vote was requested.

**SB 1**, as amended, was passed by (Record 258): 102 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farrar; Flores; Gallego; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Corte; Davis, Y.; Dukes; Hilderbran; Keffer, J.; McClendon.

The speaker stated that **SB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### STATEMENTS OF VOTE

When Record No. 258 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 258 was taken, my vote failed to register. I would have voted no.

Y. Davis

When Record No. 258 was taken, my vote failed to register. I would have voted yes.

Dukes

When Record No. 258 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 258 was taken, my vote failed to register. I would have voted yes.

J. Keffer

When Record No. 258 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Mowery moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **HB 2946** and other previously posted bills at 7 a.m. today in E2.014.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Land and Resource Management, 7 a.m. today, E2.014, for a public hearing, to consider **HB 2946** and other previously posted bills.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 2082** at 2 p.m. or upon adjournment April 11 in E2.028.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Judiciary, 2 p.m. or upon final adjournment April 11, E2.028, for a public hearing, to consider **HB 2082**.

County Affairs is cancelled.

Elections is cancelled.

Defense Affairs and State-Federal Relations, upon final adjournment today (Legislative Day 45), E2.010, for a public hearing.

Pensions and Investments, 30 minutes after final adjournment today (Legislative Day 45), E1.010, to consider posted bills.

Regulated Industries, 2 p.m. or upon final adjournment today (Legislative Day 45), JHR 140, for a public hearing, to consider pending business and invited testimony.

Juvenile Justice and Family Issues is cancelled.



### PROVIDING FOR RECESS

Representatives Merritt and J. Moreno moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. today in memory of Odis Ray Hill of Longview.

The motion prevailed.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### RECESS

In accordance with a previous motion, the house, at 2:40 a.m. Thursday, April 7, recessed until 9 a.m. today.

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### ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**SB 702** to Higher Education.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1819** (By A. Allen), Relating to the creation of the Harris County Improvement District No. 5; providing authority to impose a tax and issue a bond or similar obligation.

To Urban Affairs.

**HJR 89** (By Wong), Proposing a constitutional amendment to authorize the legislature to allow the governing body of a political subdivision to provide an additional exemption from ad valorem taxation for property owned by certain disabled veterans who have been awarded the Purple Heart or their surviving spouses.

To Ways and Means.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 25**

**HCR 74, HCR 127, HCR 139, HCR 140**

**Senate List No. 3**

**SB 252**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE**

**SENATE CHAMBER**

Austin, Texas

Wednesday, April 6, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 547** Madla

Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

**SB 587** Jackson, Mike

Relating to operation of certain machinery or equipment near high-voltage lines.

**SB 627** Zaffirini

Relating to a pilot program for the transfer of money appropriated for certain institutional care for children to provide community-based services to those children.

**SB 777** Van de Putte

Relating to the powers and duties of the boards of trustees and superintendents of independent school districts and of regional education service centers.

**SCR 25** Shapiro

Recognizing April 5, 2005, as Texas Medal of Arts Awards Day.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 6, 2005 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SCR 26** Hinojosa  
Commending Troy Lowell Luce for his service to his country.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 6, 2005 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 32** Zaffirini  
Relating to certain special tuition rates at institutions of higher education.

**SB 47** Nelson  
Relating to the Medicaid fraud reduction pilot program.

**SB 187** Zaffirini  
Relating to permissible uses of money in the comprehensive rehabilitation fund.

**SB 506** Shapleigh  
Relating to the sale of life insurance to military personnel; providing an administrative penalty.

**SB 851** Shapleigh  
Relating to a financial literacy pilot program in public schools.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 6, 2005 - 4

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 11** Staples  
Relating to security in public schools.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 5**

Civil Practices - **HB 2645, HB 2989**

Culture, Recreation, and Tourism - **HB 137, HB 422, HB 942, HCR 24, HCR 30**

Judiciary - **HB 968, HB 1905, HB 3475, SB 234**

Public Health - **HB 135, HB 378, HB 894, HB 1015, HB 1028, HB 1126, HB 1396, HB 1544, HCR 37**

Urban Affairs - **HB 1913**

**ENGROSSED**

**April 5 - HB 70, HB 752, HB 801, HB 802, HB 976, HB 982, HB 1096, HB 1098, HB 1114, HB 1161**

**ENROLLED**

**April 5 - HCR 74, HCR 127, HCR 139, HCR 140**

